

Part III: Regulations Applying to Some or All Districts

Article 16 General Site Regulations

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15-1601 Purpose

The purpose of this article is to prescribe development and site regulations that apply, except where specifically stated, to development in all districts. These standards shall be used in conjunction with the standards for each zoning district located in Part II, Base and Overlay District Regulations. In any case of conflict, the more strict regulation shall govern.

15-1602 Setbacks from Landscape Easements

- A. Whenever an approved tentative tract map or tentative parcel map requires a landscaped area, easement, and/or trail abutting a Major street or any other area where determined appropriate by the Review Authority, and where access rights have been relinquished, a wall per Section TBD shall be placed at the rear of the required landscape area.

- B. **Setback Requirements.** For purposes of setbacks, the distance for all structures, pools, fences, etc. shall be measured from the rear of the required landscape setback/easement.
- C. **Setback Requirements.** For purposes of setbacks, the distance for all structures, pools, fences, etc. shall be measured from the rear of the required landscape setback/easement.

15-1603 Trails

Whenever a trail is identified on an operative plan, the trail shall be constructed per City Standards. Access to trails shall be provided per Section 15-3412, Pedestrians and Bicycle Paths.

15-1604 Accessory Buildings and Structures

- A. **Applicability.** These provisions apply to:
 - 1. All new structures over seven feet in height, including, but not limited to, garages, carports, porte-cocheres, sheds, workshops, gazebos, greenhouses, cabanas, trellises, play structures, aviaries, covered patios, etc. which collectively shall be referred to as Accessory Structures, that are attached or detached from and accessory to the main building on the site.
 - 2. Decks and patios that are 30 inches above the ground elevation, excluding above-ground pools.
- B. **Relation to Other Structures.**
 - 1. A detached accessory building may be constructed on a lot on which there is a permitted main building to which the accessory building is related.
 - 2. Should the ownership of two contiguous and immediately adjoining residential lots be the same and one lot contains a single family home, an accessory building (with the exception of required parking) and/or pool, may be permitted on the adjoining vacant lot subject to compliance with all property development standards. The owner shall sign a statement, which will at a minimum require that any improvements, such as pools, storage sheds, etc., be removed should either parcel be sold separately.
 - 3. An accessory building may be constructed prior to a permitted main building and used for not more than one year in connection with the construction of the main building. The owner shall sign a statement, which will at a minimum, require that the accessory structure be removed should the main building not be constructed.
- C. **Residential Districts.**
 - 1. For habitable accessory structures, including Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters, refer to Section 15-2354.
 - 2. An Accessory Structure may have plumbing for a washer, dryer, and/or utility sink.
 - 3. An Accessory Structure may contain a toilet, shower, and sink. Bathtubs and stoves are not permitted. The applicant shall sign a statement that would prohibit the structure from being used habitable space.
 - 4. Existing accessory structures that do not comply with the strict application of the required setbacks of the underlying zone district, may install a toilet, shower, sink, and

plumbing for a washer, dryer, or utility sink, subject to compliance with the adopted Building Code. This exception does not allow for a reduction in required parking spaces, parking space dimensions, building regulations, or any other adopted standards.

D. **Setbacks.** Accessory Structures shall comply with standards below.

1. ***All Districts.***

- a. *Front and Street-Side Yards.* Accessory Structures may not be located within required front yard or street-side setback areas.
- b. *Alleys.* Accessory Structures shall be set back a minimum of five feet from an alley if the Accessory Structure utilizes the alley for vehicle access.

2. ***Single-Family Districts.***

- a. *Front Yards.* Not permitted, unless on a Double Frontage Lot (e.g. Through Lot). In the case of the latter, both street frontages shall be treated as Front Yards.
- b. *Interior-Side and Rear Yards.* Accessory Structures shall be set back from interior side and rear property lines as follows:
 - i. If the Accessory Structure is located closer than six feet from the main building, the Accessory Structure shall be set back a minimum five feet from the property line.
 - ii. If the Accessory Structure is located six feet away or farther from the main building, it may be located within three feet of an interior or rear property line. Said structure shall comply with the Building Code.

3. ***Multiple-Family Districts.***

- a. *Front Yards.*
 - i. Accessory Structures shall be located to the rear of main buildings.
 - ii. Detached garages and/or carports shall be located away from adjacent public roadways, to the rear, or shall be perpendicular to adjacent roadways to the greatest extent feasible. For maximum carport dimensions, refer to the Base District.
- b. *Interior-Side and Rear Yards.* Accessory Structures shall be set back from interior side and rear property lines as follows:
 - i. If Adjacent to Single-Family Districts. Accessory Structures, including garages and covered parking spaces, shall be set back per the underlying district or operative plan, whichever is greater.
 - ii. All Other Districts. Five feet.

4. ***Non-Residential Districts.*** Accessory Structures shall comply with the setbacks per the underlying district or operative plan, whichever is greater.
- E. **Height.** Accessory Structures are subject to the height limitations specific to the zoning district in which they are located except as provided below in Residential Districts.
1. **Residential Districts.**
 - a. Parcels 10,000 square feet and less: Accessory Structures shall be no greater than 12 feet high measured from the ground level to the finished height of the structure.
 - b. Parcels greater than 10,000 square feet: Accessory Structures located a minimum of 10 feet from all property lines may be up to 16 feet high.
 2. **Additional Height.** The Director may allow additional height not to exceed the height of the main building provided the Accessory Structure is designed, in terms of materials and architectural styles, to match the main building. The setbacks described above shall still be applicable.
- F. **Tree Houses and Play Structures**
1. When exceeding seven feet in height, the structure must be set back to a distance equal or greater than its height.
 2. When exceeding 120 square feet, a building permit is required.
 3. If the structure overlooks a neighboring residential rear yard, screening shall be provided. See Section 15-1905-B. This requirement may be waived upon the agreement of the affected neighbor(s).

15-1605 Pools and Spas

- A. Swimming pools, including slides and decorative features, Jacuzzis, spas, mechanical equipment, ground-mounted air conditioners, swimming pool pumps, and related equipment shall not be located in the front or street-side yards, and shall be set back a minimum of five feet from interior side and rear property lines.
- B. All equipment shall comply with the Noise Ordinance. If needed, equipment shall be baffled and/or enclosed to reduce noise to acceptable levels.

15-1606 Fences, Walls, and Hedges

Fences, walls, dense hedges, and similar structures, collectively referred to as fences for purposes of this section, shall comply with the following standards.

- A. **Applicability.** The standards of this section apply to:
 1. New fences, hedges, or walls;
 2. New development;
 3. Building additions to existing buildings that expand the existing floor area by at least 20 percent, or 2,500 square feet, whichever is less, not including Single-Unit Dwellings

or Duplexes. The addition and/or expansion shall be cumulative from the date of adoption of this Code;

4. A new building on a developed site when the new building is more than 300 square feet. The 300 square feet shall be cumulative from the date of adoption of this Code;
5. The demolition and reconstruction of a site;
6. A request for a Discretionary Permit;
7. Change of Occupancy of an existing building as defined by the Building Code; or,
8. Condominium Conversions.
9. **Exceptions.** The standards of this section do not apply to fences that are part of a designated historic site.

B. Fence and Height Locations for All Districts.

1. **Other Regulations.** Fences shall comply with the setback requirements below, unless a greater setback is required by an operative plan, an adopted policy, or a condition of project approval.
2. **Subdivision Approval Conditions.** In certain circumstances, such as at the rear of landscape easements, fence locations are identified as part of the subdivision approval process. In such cases and in the potential case of conflict with this section, the map conditions of approval shall govern.
3. **Intersection Visibility.** At intersections of streets, alleys, and driveways within traffic site areas, fences may not exceed three feet in height per Section 15-1618, Intersection Visibility.
4. **Street-Facing References.** Street-facing includes all roadways, including highways.
5. **Parking Lot Entrances.** Fence and gate locations may need to provide greater setbacks than those listed in this section to allow for vehicle stacking. Fencing that limits access to parking lots may require a greater setback as that prescribed below to allow for the stacking of vehicles.

C. Fence Height and Locations for Single Family Homes.

1. **Front Yards.**
 - a. *Wrought iron or tubular steel.* A fence up to four feet in height may be installed on the front property line. Fences must be open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.
 - b. *All other materials.* A fence up to three feet in height may be placed on the front property line.

Exception: Front yard fences on parcels within the Pinedale Neighborhood Plan area may be up to four feet in height in the front yard, regardless of material, however fences shall comply with Section 15-1618, Intersection Visibility.

2. *Side-Street Yards.* Fences up to six feet in height may be installed on the street-side property line.
3. *Other Yards.* Fences up to six feet in height may be installed on property lines. Fences, regardless of location on the site, shall not exceed six feet in height.
4. *Through Lots.* Both street frontages shall be considered Front Yards.

D. Fence Height and Locations for Multiple-Family Districts.

1. ***Front Yards.***
 - a. Where a lot is on the same block frontage with parcels that are zoned for Single-Family uses, fencing shall comply with fencing standards of the Single Family District Subsection 15-1606-D.
 - b. If the block does not contain Single-Family zoned lots:
 - i. Wrought iron or tubular steel: A fence up to four feet in height may be installed on the front property line. Fences must be open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.
 - ii. All other materials. The fence may be placed on the property if the fence does not exceed three feet in height.

Exception: Fences on parcels within the Pinedale Neighborhood Plan may be up to four feet in height, regardless of material, however fences shall comply with Section 15-1618, Intersection Visibility.
 - iii. Other Fencing. Fencing, up to six feet in height, may be placed per the main building setback of the underlying district minus five feet.
 - c. *Street-Side Yards.*
 - i. Lots with a Street-Side Yard of 125 Feet or Less in Length. Fencing up to six feet in height may be placed on the property line.
 - ii. Lots with Street-Side Yards Greater than 125 Feet in Length. Fencing up to six feet in height may be placed per the main building setback of the underlying district minus five feet.
 - d. *Interior and Rear Yards.* Fences may be placed on property lines.
 - e. *Through Lots.* All street frontages shall be considered Front Yards.
 - f. *Private Patios, Yards, etc.* Fencing for private patios, yards, etc. in multiple family developments shall comply with the fencing requirements of this section.
 - g. *Other Yards.* Fences up to six feet in height may be installed on property lines. Fences, regardless of location on the site, shall not exceed six feet in height.

E. Fence Height and Locations for Non-Residential Districts.

1. **Front Yard.**
 - a. *Wrought iron or tubular steel.* A fence up to four feet in height may be installed on the front property line. Fences must be open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.
 - b. All other fences shall comply with the main building setback, minus five feet.
 2. **Street-Side Yard.**
 - a. *Wrought iron or tubular steel.* A fence up to four feet in height may be installed on the front property line. Fences must be open a minimum of 80 percent (e.g., no more than 20 percent opaque) to allow for the passage of light and air.
 - b. All other fences shall comply with the main building setback, minus five feet.
 3. **Interior and Rear Yards.** Fences may be placed on property lines.
 4. **Through Lots.** Both street frontages shall be considered Front Yards.
 5. **Other Yards.** Outside of the required front yard and street-side yards, the maximum height for fences is seven feet (regardless of location on the site) unless the fence is part of Outdoor Storage per Section 15-1613, Outdoor Service Yards and Storage.
 6. **Bollards.** Bollards, up to three feet in height may be placed at the rear of required landscape areas.
- F. **Temporary Fencing.** For Temporary or Seasonal uses, including Community Gardens, Urban Agricultural, Farming, temporary sales, etc., fencing setbacks shall comply with main building setbacks of the underlying zone district.
- G. **Construction Fencing.** Refer to Section 15-1609, Security Fencing.
- H. **Vacant Parcels.** Fencing shall be setback a minimum of five feet from the front property line however traffic sight areas shall be respected. Upon development of the site, all fencing shall comply with the provisions of this Code.

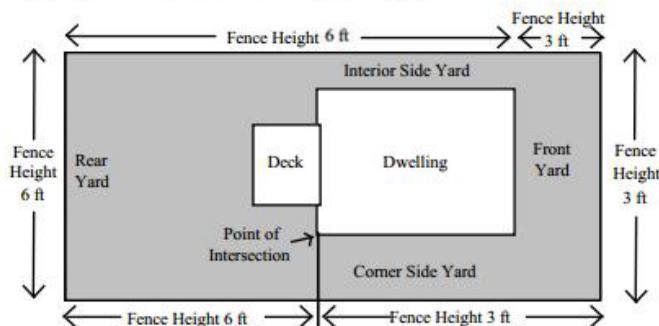


FIGURE 15-1504-C: MAXIMUM FENCE HEIGHT

- I. **Fence and Retaining Wall Combinations.** Where a fence is located on top of a retaining wall, and a six-foot maximum fence height is normally applicable, the Director may allow a combined height of fence and retaining wall up to a maximum of seven feet.
- J. **Natural Grade Differences.** Where there is a natural grade difference between two adjacent parcels, or a parcel and a street, the Director may allow a deviation of the fence height based on the slope and may measure the overall fence height from the higher parcel. In no case shall the retaining wall and fence combination exceed seven feet from the lower side unless a deviation is granted.
- K. **Decorative Features.**
 1. Columns and gates may exceed the maximum height requirements by four inches.
 2. On corner, through, and corner lots, the exposed (e.g. rough) side of the fence shall face into the subject parcel, rather than the street. The finished side of the fence shall be oriented towards the street.
 3. Fences, greater than 125 feet in length in Residential Districts and/or along Major Streets, shall incorporate decorative pilasters with decorative caps spaced no more than 30 feet apart. This shall not apply to industrial districts, unless the industrial district is located on the same side of the street as existing, planned, or zoned residences.
 4. Decorative caps, not to exceed four inches, may be added to the columns of walls.
 5. A wrought iron decorative entry gate, located outside of required street yard setbacks may be allowed up to seven feet in height in Residential Districts and eight feet in Nonresidential Districts with Director approval.
- L. **Materials.**
 1. ***Limitation on Chain-Link Fencing.*** Chain-link fencing is not permitted in:
 - a. *Single-Family Districts.* Along a Major Street, unless it is three feet or less in height.
 - b. *Multiple-Family Districts and Mixed-Use Districts.*
 - i. Along a Major Street.

- ii. Local Streets. Along street-facing yards in developments that contain six or more units, unless the fence is three feet or less in height and within the Pinedale Neighborhood Plan.
 - c. *Office and Commercial Districts.* Along Major Street-facing yards, or when the parcel shares a street that also serves a Residential District.
 - d. *Industrial Districts.* When abutting a residential use or are across the street from a residential use where said street is a Local Street.
 - 2. ***Limitation on Concrete/Masonry Block.*** Plain, concrete block shall not be the primary material along Major Streets or other situations when block walls are required as part of project approval, such as at the rear of landscape easements. Concrete block or precast concrete walls shall be split face or finished with stucco, and capped with a decorative cap, or other decorative material as may be approved by the Director. Other materials may be approved by the Director should the design provide for an enhanced appearance. For continuity, walls should incorporate similar styles, colors, etc., when located on the same side of the street.
- M. **Residential Recreational Fencing.**
- 1. Fencing located around tennis courts, basketball or volleyball courts, and similar areas up to 14 feet in height may be allowed outside of required setback areas.
 - 2. For residential batting cages, fencing is permitted up to 14 feet in height, located outside of required setback areas. For other requirements, refer to Section 2348, Private Recreational Facilities.
 - 3. Lighting of recreational areas shall comply with Section 15-1615, Outdoor Lighting and Illumination.
- N. **Commercial Recreational Fencing.** Refer to Sections 15-2309 Arcades, Video Games, and Family Entertainment Centers and 15-2349, Private Recreational Facilities.
- O. **Intersection and Driveway Visibility.** Notwithstanding other provisions of this section, fences, walls, hedges, and related structures must comply with Section 15-1618, Intersection Visibility.
- P. **Exceptions.**
- 1. Walls used to mitigate noise may exceed the standards above, per Section 15-1607.

15-1607 Walls for Noise Attenuation

New development, proximate to transportation corridors or other mobile noise sources in the public right-of-way shall mitigate noise to acceptable levels per Section 15-2106, Noise. When the requirements of Section 15-2106, results in the construction of a wall to mitigate noise, it shall comply with the following standards.

- A. The screening wall shall be a masonry block wall. The Review Authority may approve new wall materials that become available in the future for use as an alternative to a masonry block wall based on its proven comparable properties for durability, sound, light, and glare attenuation.

- B. Topography, berming, and other alternative methods of mitigating the nuisance of noise and light might be considered and required at time of project review.
- C. The following standards shall apply for walls that are used to mitigate noise from streets and railroads :

TABLE 15-1607: ACOUSTICAL WALL STANDARDS		
Overall height of wall	Earth Berm	Setback from Major Streets (all streets require a min. 10 ft. setback. This standard shall be added to the 10 ft.) ¹
Less than 9 ft.	No requirement	No additional setback
9 ft. for taller (max of 16 ft.)	6 inches for every ft. of wall height 9 ft.	Additional ft. for every ft. that exceeds 10 ft.
¹ In cases where an operative plan or a trail may require a setback greater than 10 ft., the greater setback shall be provided.		

15-1608 Screening Between Differing Land Uses

- A. **Applicability.** The standards of this section apply to:
1. New fences, hedges, or walls;
 2. The demolition and reconstruction of a site;
 3. New development;
 4. A new building on a developed site when the new building is more than 300 square feet. The 300 square feet shall be cumulative from the date of adoption of this Code;
 5. Building additions to existing buildings that expand the existing floor area by at least 20 percent, or 2,500 square feet, whichever is less, not including Single Unit Dwellings or Duplexes. The addition and/or expansion shall be cumulative from the date of adoption of this Code;
 6. A request for a Discretionary Permit;
 7. Change of Occupancy of an existing building as defined by the Building Code; or
 8. Condominium Conversions.
 9. **Exceptions.** The standards of this section do not apply to fences that are part of a designated historic site.
- B. **Common Property Lines.** A six-foot-high screen wall shall be provided on the interior lot lines where any non-residential use abuts a residential district and where multi-family development of four or more units abuts a single-family residential district. Walls shall step down to three feet in height along interior property lines within front yards.
1. **Alleys.** Where residential and non-residential uses are separated by an alley, a screen wall is not required, unless required to screen outdoor storage of material.
- C. **Screening Wall Standards.**

1. **Location.** Screening walls shall follow the lot line of the lot to be screened, or shall be so arranged within the boundaries of the lot so as to substantially hide from adjoining lots the building, facility, or activity required to be screened.
 2. **Materials.** Walls shall be of stucco, decorative block, decorative concrete panel, or other substantially equivalent material as approved by the Director. Chain-link or double-faced wood fencing does not fulfill the screening wall requirement.
 3. **Berms.** Topography, berming, and other alternative methods of mitigating the nuisance of noise and light might be considered at time of project review. An earth berm may be used in combination with the above types of screening walls, but not more than one-third of the required height of such screening may be provided by the berm.
 4. **Maintenance.** Screening walls shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising.
 5. **Graffiti.** Graffiti on a screen wall shall be removed within 48 hours.
 6. **Timing.** If a non-residential use develops adjacent to existing residential development the wall shall be constructed with the new development. Where a six-foot-high wood fence already exists, the masonry wall footing, when constructed, shall comply with City standards.
 7. **Pedestrian Access.** Pedestrian access, or breaks in screening walls, shall be provided from commercial to residential land uses in strategic locations to allow for connectivity. Locations shall be determined and negotiated at the time of approval.
- D. **Screening for All Uses Abutting Single Family Residential Rear Yards.** When a multi-story building is developed and the second floor or above is within 150 feet of an existing single family residential rear yard, there shall be screening of the yard to provide a reasonable degree of privacy.
1. **Timing.** If a non-residential use develops adjacent to existing residential development the screening shall be installed with the new development. Should the use be established prior to the single family home being developed, this section shall not apply, nor should this section apply to buildings within the same development.
 2. **Rear Yard.** The rear yard shall be defined as a three-dimensional area measured horizontally between the rear property line and the residential structure, and measured vertically between the grade of the residential structure's foundation and a plane of five feet above such grade.
 3. **Screening.** Screening shall apply to overlooks from all windows, balconies, and decks, from the second floor and above. Methods to achieve appropriate screening may include, but are not limited to, landscaping (see Section 15-1904-C for landscape buffer requirements at lot perimeters), alternate window and balcony locations, wing walls, louvers, translucent glass, etc. Where a project has a severe overlook problem due to topography or other causes, a landscape plan shall provide for a long-term screening solution that should be effective within five years.
 4. **Sufficiency of Screening.** The decision as to what manner of screening is sufficient or appropriate for a project shall be determined by the Director. In making this decision, the following factors shall be considered:

- a. Topography;
- b. Character and zoning of neighboring properties;
- c. Design alternatives;
- d. Timing of development;
- e. Building code and fire safety regulations; and,
- f. Other factors determined to be significant.

15-1609 Security Fencing

- A. **Where Permitted.** The use of barbed wire, razor wire, ultra-barrier, and other hazardous fencing is prohibited with the exception of barbed wire in the situations below.
 - 1. Where such fencing is required by any law or regulation of the City, the State of California the federal government, or other public agency.
 - 2. Security fencing shall not extend over into any abutting property or public right-of-way.
 - 3. **Livestock.** Where used to contain livestock, the maximum height of a fence shall be five feet, measured from the natural grade of the site to the highest strand of barbed wire.
 - 4. **Commercial Districts.** Where not visible from any street, highway, public open space, recreation area, or Residential District, barbed wire may be up to 18 inches in height on top of permitted fencing provided the barbed wire is located at the top portion of a fence which is at least 6 feet in height.
 - 5. **Industrial Districts.** May be up to 18 inches in height on top of permitted fencing provided the barbed wire is located at the top portion of a fence which is at least six feet in height, unless it abuts a Residential District, where it is prohibited.
- B. **Construction Sites.** Nothing in this Development Code shall be deemed to prohibit the erection of temporary fencing around construction sites in compliance with the Building Code and other applicable provisions of the City Code.
- C. **Fencing in the Public Right-of-Way.** All fencing within the public right-of-way requires an encroachment permit from the City Engineer and shall be subject to all requirements of this section, in addition to those of the Public Works Department.
- D. **Maintenance.** All walls and fences shall be maintained in a safe, neat, and orderly condition at all times, and shall be kept free of all litter, graffiti, and signs or postings not authorized by Article 22, Signs. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height.
- E. **Permit.** Property owner(s) shall apply for a permit with the City prior to installation.
- F. **City Indemnification.** Prior to the installation of security fencing, the owner shall obtain a permit and execute a covenant, with any required subordinations prepared by the City, to defend, hold harmless, and indemnify the City against all claims related to the fencing.

15-1610 Electric Fences

Electric fences shall comply with the following regulations.

A. **Permitted Locations.**

1. May be permitted on developed parcels.
2. May be permitted in Industrial Districts that do not share a common property line with a Residential District or use, not including Caretaker's Units.
3. Electric fences shall not encroach into the public right-of-way.

B. **Compliance with State and Federal Regulations.**

1. Electrified fencing shall comply with the California Food and Agricultural Code Chapter 8 Sections 17150 *et. eq.* and the California Building Code.
2. Only allowed to be installed with a construction permit issued under the requirements of applicable building and electrical codes, and only allowed to be activated after an approved final inspection of the installation.
3. Fire access, warning signs, electrical connections, etc., shall comply with the Building Code and Fire regulations.

C. **Electricity.**

1. Shall conform to California Food and Agricultural Code Chapter 8 (Sections 17150 through 17153) and shall only be a low-voltage system powered by a either commercial storage battery not to exceed 12 volts of direct current (DC) or other approved 12 volt DC or lower voltage power source.
2. The electric charge produced by the fence upon contact shall not exceed energizer characteristics set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission (IEC) Standard No. 60335-2-76.
3. Non-low voltage electrical components (e.g. controllers, transformers) of the electric fencing system shall be approved and listed by an Occupational Safety and Health Act (OSHA) Nationally Recognized Testing laboratory (NRTL).

D. **Perimeter Fence or Wall.** No electric fence shall be installed or used unless it is completely surrounded by a nonelectrical fence or wall that is a minimum six feet in height. Should a non-electrical fence not exist, one shall be installed prior to the electric fence being operational.

E. **Setbacks.** Fencing shall comply with setbacks of the underlying zone district.

F. **Height.** Shall have a maximum height of eight feet regardless of location on the property. No more than eight strands of electric wire shall be permitted.

G. **Existing Nonconforming Fencing.** Should nonconforming fencing exist on the site, it shall be removed prior to the electric fence being operational.

H. **Warning Signs.** Shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not less than 60 ft.

I. **Permit.** Property owner(s) shall apply for a permit with the City prior to installation.

- J. **City Indemnification.** Prior to the installation of electric fencing, the owner shall obtain a permit and execute a covenant, with any required subordinations prepared by the City, to defend, hold harmless, and indemnify the City against all claims related to the fencing.

15-1611 Screening of Mechanical and Electrical Equipment

- A. **Applicability.** The standards of this section apply to:
1. New development;
 2. New equipment that is added to serve existing buildings; or,
 3. Condominium Conversions.
 4. **Exceptions.** Existing equipment that serves existing buildings.
- B. **Equipment.** All exterior mechanical and electrical equipment shall be screened or incorporated into the design of buildings so as not to be visible from the street, highway, train tracks, or abutting Residential Districts.
- C. **Residential Districts.** Equipment to be screened includes, but is not limited to, all roof-mounted equipment, air conditioners, heaters, utility meters, cable equipment, telephone entry boxes, backflow preventions, irrigation control valves, electrical transformers, pull boxes, and all ducting for air conditioning, heating, and blower systems. Screening materials shall be consistent with the exterior colors and materials of the building. Above grade equipment by Public Utility providers may be permitted within easements.
- D. **Roof Access Ladders and Fire Sprinkler Risers.** Roof access ladders shall be screened from Major Streets. Fire sprinkler risers should be designed for interior installation whenever possible where an exterior location would be visible from a Major Street. Where site conditions dictate an exterior location for the sprinkler riser, a three foot clear space shall be provided between the screening materials and the riser. The alarm bell and fire department connection shall be installed so that they are visible from the street.

15-1612 Heights and Height Exceptions

- A. **Applicability.** The standards of this section apply to:
1. New development or structures; or
 2. New equipment that is added to serve existing buildings.
- B. **General Standards.** The structures listed in the following table may exceed the maximum permitted building height for the district in which they are located, subject to the limitations stated in the table and further provided that no portion of a structure in excess of the building height limit may be used for sleeping quarters or advertising and all heights shall comply with any operative Airport Plan.

TABLE 15-1611-B: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS		
<i>Structures Allowed Above the Height Limit</i>	<i>Maximum Coverage, Locational Restrictions</i>	<i>Maximum Vertical Projection Above the Height Limit (ft)</i>
Skylights	No limitation	1

TABLE 15-1611-B: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS		
<i>Structures Allowed Above the Height Limit</i>	<i>Maximum Coverage, Locational Restrictions</i>	<i>Maximum Vertical Projection Above the Height Limit (ft)</i>
Solar panels, and other energy production facilities located on a rooftop	No limitation	10
Chimneys Elevator and stair towers Rooftop open space features such as sunshade and windscreen devices, open trellises, and landscaping (for multi-family and non-residential buildings only) Flagpoles	10% of roof area	16 (if no height limit in the underlying district, 35)
Decorative features such as spires, bell towers, domes, cupolas, obelisks, clock towers, and monuments (attached or detached)	10% of roof area	Residential: 6 Non-Residential: 20
Fire escapes, catwalks, and open railings required by law	Per Building Code	Per Building Code
Radio towers	Refer to Article 24	Refer to Article 24
Water tanks Windmills Industrial structures where the manufacturing process requires a greater height	25% of the area of the lot, or 10% of the roof area of all on-site structures, whichever is less. Must be located at least 25 ft. from any lot line.	75. May exceed 75 with the approval of a Conditional Use Permit. Public noticing shall be eight times the height of the structure measured in ft.
Building-mounted telecommunications facilities, antennas, and microwave equipment	Subject to the provisions of Article 24, Telecommunications Facilities.	

15-1613 Outdoor Service Yards and Storage

A. Applicability.

1. Outdoor service yards and the open storage of goods, materials, machines, equipment, and vehicles or parts outside of a building for more than 72 hours must conform to the standards of this section. This applies to good being stored that are pending transport to other locales or goods to be sold.
2. **Exceptions.** The regulations of this section do not apply:
 - a. Agricultural and residential uses;
 - b. Temporary storage of construction materials reasonably required for construction work on the premises pursuant to a valid building permit or grading permit; or
 - c. Outdoor sales or uses that by their very nature provide outdoor storage, such as auto, trailer, and boat dealers and equipment rental.

- B. **Permitted Locations.** Table 15-1613-B states the districts where outdoor storage and service yards are permitted and prohibited.

TABLE 15-1613-B: OPEN STORAGE REGULATIONS BY DISTRICT AND LOCATION	
<i>Base Districts</i>	<i>Permissibility of Open Storage</i>
Agricultural	Permitted if associated with a permitted agricultural use, located outside of all required setbacks.
Residential and Mixed-Use	Outdoor storage of materials generally found in households is not permitted.
Commercial, Employment, and Public and Semi-Public Districts	Not permitted in front or street-facing side yards. Setback minimum 20 feet from Residential Districts. Permitted in interior side and rear yards, or outside of required yards, subject to the standards of this section.

C. **Surfacing.** Outdoor storage areas shall be surfaced as determined by the Public Works Director. In making a determination, the Public Works Director shall take into consideration:

1. The zone district of the site.
2. If the site will be used to store equipment that is used daily and common drive-aisles will be paved and/or treated to mitigate potential dust from vehicles.
3. Surrounding sensitive uses such as residential uses, schools (K-12), day cares, hospitals, or elderly care facilities.
4. If the proposed surfacing is appropriate to the type of product stored.
5. If the proposed surfacing will conform to all applicable federal and state air and water quality standards.
6. If the surface will comply with adopted regulations of the San Joaquin Valley Air Pollution Control District.

D. **Screening.**

1. Outdoor storage areas and service yards shall be screened so as not to be visible from Major streets or highway; Residential Districts; public schools, or public parks.
2. Screening walls and fences shall be architecturally compatible with the main structure on the site.
3. Earth berms or plant material may serve to satisfy screening requirements as alternative materials.
4. No screening wall or fence shall be located within a required setback or landscape area.
5. No stored goods may exceed the height of the screening wall or fence by more than one foot.
6. Service yards may have screen walls up to 15 feet in height and must be attached to the main building and shall be of the same quality and appearance as those used on the building itself. Service yards shall be considered part of the main structure for property development standards and shall be clearly incidental to the primary use. Outdoor storage shall not be the primary use on the property.

15-1614 Projections/Encroachments into Required Yards

Building projections may extend into, and other encroachments may be located in, required yards according to the standards of Table 15-1512 and are subject to all applicable requirements of the Building Code. The “Limitations” column states any other limitations that apply to such structures when they project into required yards.

TABLE 15-1614: ALLOWED BUILDING PROJECTIONS AND ENCROACHMENTS INTO REQUIRED YARDS				
Projection/Encroachment	Front or Street Side Yard (ft)	Interior Side Yard (ft)	Rear Yard (ft)	Limitations
All projections	Notwithstanding any other subsection of this section, no projection may extend closer than three feet to an interior lot line or into a public utility easement.			
Cornices, canopies, eaves, and similar architectural features; chimneys.	2	2	2	
Bay windows	3	2	3	Shall not occupy more than one-third of the length of the building wall on which they are located.
Fire escapes required by law or public agency regulation	4	4	4	
Uncovered stairs, ramps, stoops, or landings that service above first floor of building	3	2	3	
Depressed ramps or stairways and supporting structures designed to permit access to parts of buildings that are below average ground level	3.5	3.5	3.5	
Basketball Rims and Backboards	No closer than 10 ft. of a street-facing property line or 5 ft. from an interior side or rear property line.			
Decks, porches and stairs				
Less than 18 inches above ground elevation	6	2	8	Must be open on at least three sides. No closer than 7 ft of a street-facing property line or 3 ft of an interior property line.
18 inches or more above ground elevation	3	2	3	
Ramps and similar structures that provide access for persons with disabilities	Reasonable accommodation will be made, consistent with the Americans with Disabilities Act; see Article 47, Reasonable Accommodation.			

15-1615 Outdoor Lighting and Illumination

A. **Applicability.** The standards of this section apply to on-site lighting the following circumstances:

1. New lights;

2. The demolition and reconstruction of a site;
3. New development;
4. Building additions to existing buildings that expand the existing floor area by at least 20 percent, or 2,500 square feet, whichever is less, not including Single Unit Dwellings or Duplexes. The addition and/or expansion shall be cumulative from the date of adoption of this Code;
5. The addition of residential units;
6. A request for a Discretionary Permit;
7. Change of Occupancy of an existing building as defined by the Building Code; or,
8. Condominium Conversions.

B. Control and Illumination of Outdoor Artificial Light.

1. **Purpose.** This subsection is intended to minimize outdoor artificial light that may have a detrimental effect on the environment, astronomical research, amateur astronomy, and enjoyment of the night sky. These provisions are also intended to reduce the unnecessary illumination of adjacent properties and the use of energy.
2. **General Standards.**
 - a. *Single-Family Districts.* Each new home shall provide at a minimum, lighting proximate to the main entrance, the garage/carport, and alley, if present.
 - b. *Multiple-Unit Residential Buildings.* Aisles, passageways, recesses, parking areas, carports, garages, etc., related to and within the building complex shall be illuminated with an intensity of at least 0.25 foot-candles at the ground level during the hours of darkness. Lighting devices shall be protected by weather and vandal-resistant covers.
 - c. *Pedestrian-Oriented Lighting.* In Mixed-Use and Commercial Districts, etc. exterior lighting with an intensity of at least 0.25 foot-candles at the ground level shall be provided for a secure nighttime pedestrian environment by reinforcing entrances, public sidewalks and open areas with a safe level of illumination.
 - d. *Non-Residential Buildings.* All exterior doors, during the hours of darkness, shall be illuminated with a minimum of 0.5 foot-candle of light.
 - e. *Trails/Paseos.* As determined by the Public Works Director.
3. **Maximum Height.** Lighting fixtures shall not exceed the maximum heights specified in the following table.

TABLE 15-1615-D: MAXIMUM HEIGHT OF LIGHTING FIXTURES	
<i>District</i>	<i>Maximum Height (ft)</i>
Residential Single Family Districts	Shall not exceed the fascia of the home
Residential Multiple Family Districts	Shall not exceed the fascia of the unit or 16 feet, whichever is greater.

Commercial and Mixed-Use Districts	20 within 100 of any street frontage or Residential District; 25 in any other location
Employment Districts	25 within 100 of any street frontage; 30 in any other location
Public and Semi-Public and Airport District	25, or as necessary for safety and security.

4. **Exemptions.** The following types of lighting fixtures are exempt from the requirements of this section:
 - a. *Public and Private Street Lighting.*
 - b. *Parks/Athletic Field Lights.* Athletic field lights used within a school campus or public or private park.
 - c. *Public Safety and Security Lighting.* Safety and security lighting as required by State and Federal Regulations, including but not limited to Airports, radio towers, antennas, etc.
 - d. *Construction and Emergency Lighting.* All construction or emergency lighting fixtures provided they are temporary and are discontinued immediately upon completion of the construction work or abatement of the emergency.
5. **Prohibited Lighting.** The following types of exterior lighting are prohibited:
 - a. Drop-down lenses;
 - b. Mercury vapor lights; and,
 - c. Searchlights, laser lights, or any other lighting that flashes, blinks, alternates, or moves.
6. **Fixture Types.** All lighting fixtures shall be shielded so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. All luminaries shall meet the most recently adopted criteria of the Illuminating Engineering Society of North America (IESNA) for “Cut Off” or “Full Cut Off” luminaries.
7. **Glare.** No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the property where the use is located.
8. **Light Trespass.** Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties.
 - a. Direct or sky-reflected glare from floodlights shall not be directed into any other property or street.
 - b. No light or combination of lights, or activity shall cast light exceeding one foot candle onto a public street, with the illumination level measured at the centerline of the street.
 - c. No light, combination of lights, or activity shall cast light exceeding 0.5 foot candle onto a residentially zoned property, or any property containing residential uses.

9. ***Alternate Materials and Methods of Installation.*** Designs, materials, or methods of installation not specifically prescribed by this section may be approved by the Director, provided that the proposed design, material, or method provides approximate equivalence to the specific requirements of this section or is otherwise satisfactory and complies with the intent of these provisions.

15-1616 Trash and Refuse Collection Areas

A. Applicability. The standards of this section apply to:

1. New collection areas;
2. New development;
3. The demolition and reconstruction of a site;
4. Building additions to existing buildings that expand the existing floor area by at least 20 percent, or 2,500 square feet, whichever is less, not including Single Unit Dwellings or Duplexes. The addition and/or expansion shall be cumulative from the date of adoption of this Code;
5. The addition of residential unit(s) that result in five or more dwelling units.
6. A request for a Discretionary Permit;
7. Change of Occupancy of an existing building as defined by the Building Code; or,
8. Condominium Conversions.

B. Requirements

1. ***Single-Family Residential.*** As required per Chapter 6 of the Fresno Municipal Code.
2. ***Multiple-Family Residential.*** Enclosures for solid waste and recycling containers are required when:
 - a. Five or more dwelling units are proposed; or,
 - b. There should be a minimum of one solid waste and recycling enclosure per 30 units.
3. ***Non-residential Districts.*** As required per Chapter 6 of the Fresno Municipal Code.
4. ***Uses That Produce Grease.*** Uses, such as restaurants, that produce grease shall provide a “grease barrel” enclosure or alternative as approved by the Public Utilities Director.

C. Location.

1. Solid waste and recycling storage areas shall not be located within any required setback or any landscaped areas except where a rear yard abuts an alley. Where a rear yard abuts an alley, the solid waste and recycling storage area may be located within the required rear yard setback however the gates may not swing open into the alley.
2. In non-residential developments that abut a Residential District, enclosures shall located as far as possible from the residential district as feasible and shall be proximate to the nonresidential development. Enclosure gates shall not open into drive aisles and

shall not block the visibility of pedestrians and drivers. Refer to Section 15-1618, Intersection Visibility.

3. Solid waste and recycling areas shall be consolidated to minimize the number of collection sites and located so as to reasonably equalize the distance from the building spaces they serve.
4. Solid waste and recycling storage areas shall be accessible to haulers. Storage areas shall be located so that the trucks and equipment used by the City or its contracted solid waste and recycling collector(s) have sufficient maneuvering areas and, if feasible, so that the collection equipment can avoid backing. Project applicants are responsible for procuring current equipment size and turning radius from the City or its contracted solid waste and recycling collector(s).

D. Materials, Construction, and Design.

1. **Enclosure Material.** Enclosures shall be constructed per City standards.
2. **Gate Material.** Gate material shall be solid, heavy-gauge metal or a heavy-gauge metal frame with a covering of a view-obscuring material.
3. **Access to Enclosure from Residential Projects.** Each solid waste and recycling enclosure serving a residential project shall be designed to allow walk-in access without having to open the main enclosure gate.
4. **Enclosure Pad/Bumpers.** Enclosures shall be constructed per City standards.
5. **Protection for Enclosures.** Concrete curbs or equivalent shall protect enclosures from adjacent vehicle parking and travel ways.
6. **Landscaping.** When visible from a Major Street or a Local Street that serves residential neighborhoods, the perimeter of enclosures, excluding gates, shall be planted, with drought-resistant landscaping, including a combination of shrubs and/or climbing evergreen vines. This subsection does not apply to Industrial Districts.
7. **IH District Exception.** In the IH District, as an alternative to an enclosure, a concrete curb may be provided to minimize bins from rolling about a parking area. Alternative enclosures may not be visible from any street, residential district, and/or school.

15-1617 Underground Utilities

A. Applicability. The standards of this section apply to all of the following:

1. New development;
2. The demolition and reconstruction of a site;
3. Any other time deemed appropriate by the Public Works Director.

B. Standards. All electrical, telephone, cable television, and similar distribution lines providing direct service to a development site shall be installed underground within the site. This requirement may be waived or deferred, by the Public Works Director, upon a determination that the installation is infeasible or premature.

15-1618 Intersection Visibility

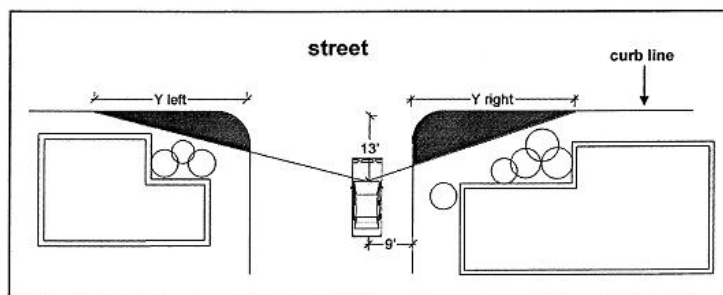


FIGURE 15-1618: INTERSECTION VISIBILITY

A. **Street Intersections.**

1. Vegetation and structures may not exceed a height of 3 feet within the triangular sight-distance area formed by the intersecting curb lines (or edge of pavement when no curbs exist) and a line joining points on these curb lines at a distance of 30 feet along both lines from their intersection.
2. Trees that are located within this sight distance triangle shall have a clearance of seven feet high minimum between the lowest portion of the canopy and the sidewalk, and 13 feet high minimum between the lowest portion of the canopy and street.
3. Applies to all structures, including flag poles and signs.

B. **Driveways and Alleys.** Visibility of a driveway crossing a street lot line shall not be blocked above a height of three feet by vegetation or structures for a depth of 12 feet as viewed from the edge of the right-of-way on either side of the driveway at a distance of 12 feet. Street trees that are pruned at least seven feet above the established grade of the curb so as not to obstruct clear view by motor vehicle drivers are permitted.

C. **Commercial Centers, Refuse Collection Areas, and Drive-Through Lanes.** Vegetation (with the exception of trees) and structures may not exceed a height of three feet within the triangular sight-distance area formed by the intersecting drive aisles and a line joining points on these aisles at a distance of 10 feet along both lines from their intersection. Trees located within this sight distance shall have a clearance of seven feet high minimum between the lowest portion of the canopy and the pavement and shall not be capable of growing to a width that would obstruct the sight area.

D. **Vehicle/Pedestrian Conflicts.** Whenever it can be reasonable to expect potential conflicts between vehicles exiting drive-aisle, drive-thru's, etc., and a pedestrian path traverses said aisle, a visibility triangle per Subsection C above shall be provided.

E. **Exempt Structures and Plantings.** The regulations of this section do not apply to existing buildings; public utility poles; saplings or plant species of open growth habits and not planted in the form of a hedge that are so planted and trimmed as to leave at all seasons a clear and unobstructed cross view; official warning signs or signals; or places where the contour of the ground is such that there can be no cross visibility at the intersection.

15-1619 Development on Substandard Lots

Any lot or parcel of land that was legally created may be used as a building site even when consisting of less area, width, or depth than that required by the regulations for the district in which it is located. No substandard lot shall be further reduced in area, width, or depth, unless required as part of a public improvement. A substandard lot shall be subject to the same yard and density requirements as a standard lot, however the Director may reduce the side and rear yard requirements at a ratio equivalent with the nonconformity.

15-1620 Lots with Multiple Zone Districts (Split Zoning)

- A. **Generally.** Where a contiguous lot is divided by a zoning district boundary, the regulations applicable to each district shall be applied to the area within the district, and no use, other than parking serving a principal use on the site, shall be located in a district in which it is not a permitted or conditionally permitted use.
- B. **Access.** All access to parking serving a use must be from a street abutting that portion of the lot where the use is allowed. Pedestrian or vehicular access from a street to a non-residential use shall not traverse a Residential District in which the non-residential use is not permitted or conditionally permitted.
- C. **Accessory Facilities.** Landscaping, fences, screening or retaining walls, and open space may be located on the lot without regard for zone boundaries.
- D. **Refuse Collection Areas.** Shall be located on the parcel that permits the primary use.
- E. **Minimum Lot Area, Width, and Frontage.** The minimum lot area, width, and frontage requirements of the zone that covers the greatest portion of the lot area shall apply to the entire lot. If the lot area is divided equally between two or more zones, the requirements of the district with greater minimum lot area, width, or frontage shall apply to the entire lot.
- F. **Exceptions.** If more than 75 percent of a lot is located in one zoning district, modifications to the provisions of this section may be granted through Planning Commission approval of a Conditional Use Permit.

Article 17 **Concept Plans**

Sections:

15-1701	Purpose
15-1702	Applicability
15-1703	Preparation
15-1704	Land Use Mix and Distribution
15-1705	Street Trees
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15-1707	Review Procedure
15-1708	Application Requirements
15-1709	Zoning Established Consistent with Master Plan
15-1710	Required Findings
15-1711	Conditions
15-1712	Amendments to an Approved Concept Plan
15-1713	Processing of Amendments

15-1701 Purpose

The purpose of the Concept Plan requirements is to implement the “Complete Neighborhoods” policy of the General Plan by providing specific direction for planning of new growth areas. More specifically, these provisions are intended to:

- A. Create Complete Neighborhoods that contain parks, schools, and neighborhood-serving commercial uses located a convenient walking distance from the majority of homes within the neighborhood.
- B. Create neighborhood centers with shops, restaurants, service uses, schools, and other civic uses that provide each neighborhood an individual identity and foster community interaction.
- C. Create a street system that is well-aligned with and connected to streets in adjacent neighborhoods, employment, and shopping districts and allows residents to walk, bike, or drive directly and safely to parks, schools, and neighborhood shopping via a continuous system of streets, sidewalks, and bike routes.
- D. Promote attractive community character as viewed from public streets, as well as require adequate buffer areas between homes and arterial streets. Promote street design that fosters community interaction, slows traffic, and creates an attractive neighborhood character.
- E. Provide a variety of housing types, designs, and lot sizes to serve the range of household types and incomes in Fresno, and give each home individuality.
- F. Provide greater flexibility to property owner(s) and developers by allowing the blending of residential densities.

15-1702 Applicability

A Concept Plan, commissioned by developers and neighboring property owners, with guidance from City staff, shall be prepared for each quarter section (approximately 160 acres or the area bordered by major streets) and submitted to the City for approval prior to approval of any annexation. Concept Plans are not required for Industrial Districts.

15-1703 Preparation

It is anticipated that Concept Plans will be commissioned by property owner(s) and developers. City staff shall be made available to facilitate meetings and to coordinate outreach efforts and technical expertise.

15-1704 Land Use Mix and Distribution

The land uses within a Concept Plan area shall conform to the General Plan and be more precisely allocated and distributed within the planning area according to the standards of this section.

- A. **Consistency with General Plan.** Land uses shall reflect the required land use mix in the General Plan Land Use Diagram.
- B. **Adjustments to the General Plan.**
 - 1. Adjustments to the locations of residential land uses indicated on the General Plan Land Use Diagram may be approved, as long as the total allocation of residential uses is met. A Planned Development, per Article 12, shall be required. An agreement shall be recorded against the property ensuring that such densities are met.
- C. **Residential Uses.** Residential uses shall be provided at densities consistent with the General Plan designation(s) for the site. A minimum of 20 percent of the units within each Concept Plan must be small-lot (5,000 square feet or smaller lot size) detached homes, townhouse units, or multi-unit dwellings, unless a lower percentage is approved by the City Council upon finding that the lower percentage will not conflict with achievement of the General Plan goals and policies.
- D. **Public Parks and Open Space.** A Concept Plan shall provide for a coordinated system of park and open spaces for active and passive uses. Public parks must be provided according to the following standards.
 - 1. ***Minimum Park Land Area.*** Land for public parks must be provided in accordance with Section 15-3001-J.8
 - 2. ***Park Location (Distribution).*** Shall generally be centrally located and easily accessible from all homes.
- E. **Non-Residential Uses.** At least four percent of gross land area must be designated for non-residential uses, including schools, other public and quasi-public uses, and/or neighborhood-serving commercial uses.
- F. **Neighborhood Centers.** If designated by the General Plan, areas must include a defined, neighborhood center composed of a mix of retail, civic, and service-oriented uses, unless an

existing or approved neighborhood center is located within one-quarter mile. Centers shall include:

1. ***Retail and Service Commercial Uses.*** Retail and service commercial uses oriented to serving the needs of local residents.
2. ***Public Plaza, Square, or Commons.***
 - a. ***Size.*** Minimum area of 10,000 square feet.
 - b. ***Dimensions.*** Minimum horizontal dimension of 50 feet.
 - c. ***Street Access.*** Bordered by public streets on at least one side.
 - d. ***Required Amenities.*** Public plazas, squares, and commons shall include street furniture and other amenities such as gazebos, fountains, statuary, flag poles, kiosks, and benches. At least one lineal foot of seating area shall be provided for each 30 square feet of plaza area. Seating may include wooden benches, steps, seating walls, and retaining walls where the seating area is between 16 inches and 30 inches above grade.
 - e. ***Surface and Planting.*** Public plazas, squares, and commons shall include paved walkways, and may include paved plaza areas. Landscaped areas and pervious surfaces that provide storm-water infiltration shall also be included.

15-1705 Street Trees

Street trees shall be provided on all public street frontages. Street trees shall be planted in a linear fashion within planter strips between the curb and sidewalk, with regular spacing of 25 to 35 feet between trees. Each Concept Plan shall indicate proposed street trees and how utility placement will accommodate street tree placement.

15-1706 Public Infrastructure Financing

Each Concept Plan shall include a funding mechanism for the provision of public infrastructure to support the proposed development.

15-1707 Review Procedure

- A. ***Pre-Application Review.*** Prior to submitting an application for a Concept Plan, the applicant shall schedule a pre-application review conference with the Development and Resource Management Director to discuss the general acceptability of the project proposal, possible problems that may be encountered, and the need, if any, for any interagency coordination. Such preliminary consultations shall be considered advisory in nature and shall not constitute a recommendation of approval.
- B. ***Decision-Making Body.*** A Concept Plan must be adopted by the City Council. A public hearing before the Planning Commission is required prior to City Council review, and the Planning Commission shall make a recommendation to the City Council.

15-1708 Application Requirements

The following plans and materials shall be submitted with an application for a Concept Plan:

- A. **Project Boundaries.** A map showing the proposed project boundaries, the perimeter of the ownership, location, and dimensions of any existing property lines and easements within the site, and the location of buildings, roads, parking, and open areas.
- B. **Site Plan.** A site plan indicating the proposed land uses and the total floor area or land area devoted to each; the proposed density or intensity of development; the location of proposed streets, pedestrian ways, and bike ways; and the general location of proposed lot lines, structures, buildings, parking, yards, pathways, open spaces, and other public or private facilities.
- C. **Land Uses.**
 - 1. The location of proposed land uses, and a summary of the total land area (acreage) dedicated to each use.
 - 2. Land uses shall be allocated and distributed within the master plan area according to the standards of this section.
 - 3. The plan shall include proposed lot size ranges and residential dwelling types (single-family detached, small-lot single-family, townhomes, multi-family) within the master plan area.
- D. **Circulation System.**
 - 1. Location of arterial and minor and major collector streets, and proposed spacing of intersections.
 - 2. Proposed street alignments in relation to existing and planned streets on all abutting properties. Streets shall generally be planned as a modified grid.
 - 3. Cross-sections or equivalent information that indicates the elements (travel lanes, parking lanes, bike lanes, planter strips, sidewalks, sound walls, street tree spacing) and dimensions of elements to be included in each street type within the plan area.
 - 4. Any proposed traffic calming facilities.
 - 5. A system of bicycle and pedestrian routes that provide access to all parts of the plan area. All proposed mid-block pedestrian connections or connections from the ends of cul-de-sacs to streets and parks shall be delineated. Gated communities shall be reviewed on a case by case basis, however they should allow for pedestrian access to Major streets and mass transit options.
- E. **Utilities.** The locations and capacities of existing utilities in the vicinity of the site, and tentative extensions to the site.
- F. **Development Standards and Guidelines.** Development standards and guidelines for the physical development of property, including illustrations of proposed architectural, urban design, and landscape concepts. Design standards and guidelines shall support a walkable and pedestrian-scaled environment with active street frontages and buildings oriented to and

directly accessible from the street and address compatibility between existing and new development.

- G. **Development Schedule.** A preliminary development schedule, indicating the sequence and timing of development and the priorities of any phased development.
- H. **Statement Regarding Compliance with Findings.** Written statement and illustrations to demonstrate how the project meets the required findings of Section 1609, Required Findings.
- I. **Other Information.** Any other information deemed necessary by the Development and Resource Management Director to ascertain if the project meets the required findings for a concept plan.

15-1709 Zoning Established Consistent with Master Plan

A Concept Plan application may include proposed zoning districts that accommodate the proposed land uses and densities and are consistent with this article and the General Plan. If the City Council approves a Concept Plan, it may concurrently adopt a set of zoning districts for a portion or all of the master plan area.

15-1710 Required Findings

A Concept Plan shall only be approved if the proposal as submitted or modified conforms to all of the provisions of this Development Code, and all of the following criteria.

- A. Approval of the proposed master plan is consistent with the General Plan and any other applicable community plan or specific plan that the City has adopted;
- B. There is a strong relationship among the proposed land uses, meaning that they complement one another, are physically connected through streets and walkways, and are well-related to one another on the site;
- C. The proposal will achieve a group of buildings and open areas that, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances;
- D. There is safe and convenient pedestrian access connecting all parts of the Master Plan area, and connecting residents in surrounding neighborhoods to retail and service uses and public facilities within the master plan area;
- E. The Master Plan area will be adequately, reasonably, and conveniently served by public services, utilities and public facilities; and
- F. The proposed development will enhance the character and successful operation of the neighborhood or district where the project is located, or will provide an essential service to the community or region.

15-1711 Conditions

In approving a Concept Plan, the City Council may impose reasonable conditions necessary to:

- A. Ensure that the proposal conforms with the General Plan and with any other applicable plan adopted by the City Council;
- B. Achieve the general purposes of this Code or the specific purposes of the zoning district in which the site is located;
- C. Protect the public health, safety, and general welfare;
- D. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses in the surrounding area; or
- E. Mitigate any potentially significant impacts identified as a result of environmental review.

15-1712 Amendments to an Approved Concept Plan

- A. **Minor Revision.** Changes determined by the Director to be in substantial compliance and that are consistent with the intent of the approved Concept Plan may be approved where:
 - 1. The size, shape, and dimensions of lots and streets are in generally in compliance and are consistent with the Concept Plan;
 - 2. The number of lots, units, or building sites is not reduced to less than prescribed by the planned land use designation, zone district, or operative plan;
 - 3. The number of units is increased, however such increase is still within the parameters of the environmental assessment, and the increase is not above and beyond than what is prescribed by the planned land use designation, zone district, or operative plan;
 - 4. The land uses are rearranged but in the opinion of the Director, is still in the spirit of the approved plan;
 - 5. The amount of open space is not reduced or relocated to an area that is less accessible;
 - 6. Pedestrian connectivity to schools, trails, open space, etc. is not reduced;
 - 7. Changes, in the opinion of the Director, are consistent with the intent of the original plan;
 - 8. There are no significant changes in parcel size and dimensions, pedestrian connectivity, and overall design; and
 - 9. There are no resulting violations of the Municipal Code.
- B. **Major Revision.** Major Revisions to an approved Quarter Section Concept may be approved by filing an application with the Department, if the request does not meet the strict definition of a Minor Revision above.

15-1713 Processing of Amendments

- A. **Procedure for Filing an Amendment.** The applicant shall file an application with the City, together with the following additional information:
 - 1. A statement identifying the features of the plan or particular conditions to be changed and the changes requested, the reasons why the amendment is requested, and any facts that justify the changes; and

2. Any additional information deemed appropriate by the Director.
- B. Action on the Revision.
1. ***Minor Revision.*** The Director may act as the Review Authority, or the Director, at his/her discretion, may defer his/her decision to the Commission. If the Director elects to approve or disapprove the revision, the Director shall notify the Commission at its next meeting that the Director is reviewing the revision and whether the Director intends to approve or disapprove the revision. The Director shall take action after notifying the Commission.
 2. ***Major Revision.*** The Director shall refer the item to the Commission for consideration. Public Notice shall be provided per Section 15-4006.

Article 18 Affordable Housing Density Bonus

Sections:

15-1801	Purpose
15-1802	Other Regulations and Adopted Plans
15-1803	Density Bonuses
15-1804	Affordable Housing Concessions and Incentives
15-1805	Application Requirements
15-1806	Affordable Housing Standards
15-1807	Regulatory Agreement
15-1808	Enforcement
15-1809	Definitions

15-1801 Purpose

The purposes of the affordable housing regulations are to:

- A. Lessen the shortage of housing affordable to moderate, low, and very low income households in the City as partial compliance with California Government Code (Government Code) (Section 65583(c));
- B. Allow for density bonuses and additional incentives, consistent with the Government Code (Section 65915), for housing affordable to moderate, low, and very low income households, for seniors and disabled persons, and for development that includes a childcare facility;
- C. Implement the policies of the Housing Element to expand the provision of housing for lower and moderate income households, elderly residents and others with special housing needs; and
- D. Establish requirements for resale and rental controls to ensure that units remain affordable for at least 30 years or such other term as required by the City, consistent with State law.

15-1802 Other Regulations and Adopted Plans

- A. **State Law Governs.** The provisions of this section shall be governed by the requirements of Government Code (Section 65915). Where conflict occurs between the provisions of this section and State law, the State law shall govern.
- B. **Effect of Granting Density Bonus.** The granting of a density bonus shall not, in and of itself, require a General Plan amendment, zoning change, or other discretionary approval.
- C. **Land Use Compatibility.** When located within the Airport Influence Area (AIA) of any of the operative airport plans (e.g. Sierra Skypark Land Use Policy Plan, Fresno-Chandler Downtown Airport Land Use Compatibility Plan, Fresno Yosemite International Airport Land Use Compatibility Plan) applications for a density bonus project and/or an incentive as authorized by this section shall be subject to the provisions of the adopted land use compatibility policies for residential development established by each plan for noise, airspace protection, safety and nuisance.

15-1803 Density Bonuses

Pursuant to the Government Code (Section 65915), the City shall grant a density bonus over the otherwise allowable maximum residential density permitted by this Ordinance, the General Plan, or operative plans, and one or more additional concessions or incentives, consistent with the Government Code (Section 65915) and this section, if the applicant applies for and proposes to construct any one of the following:

A. Lower Income Units.

1. A density bonus of 20 percent if 10 percent of the total units of a housing development are affordable to lower income households, as defined in the Health and Safety Code (Section 50079.5).
2. For each additional one percent increase above 10 percent units affordable to lower income households, the density bonus shall be increased by 1.5 percent up to a maximum density bonus of 35 percent of the maximum allowable residential density for the site.

B. Very Low Income Units.

1. A density bonus of 20 percent if five percent of the total units of a housing development are affordable to very low income households, as defined in the Health and Safety Code (Section 50105).
2. For each additional one percent increase above five percent in the proportion of units affordable to very low income households, the density bonus shall be increased by 2.5 percent, up to a maximum of 35 percent of the maximum allowable residential density for the site.

C. Senior Citizen Housing Development. A density bonus of 20 percent if a housing development qualifies as a Senior Citizen Housing Development, as defined in the Civil Code (Section 51.3).

D. Moderate Income Units in Condominium and Planned Use Developments.

1. A density bonus of five percent if 10 percent of the total dwelling units in a condominium project, as defined in Subdivision (f), or in a Planned Development as defined in Subdivision (k) of Section 1351 of the Civil Code, are affordable to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.
2. For each additional one percent increase above 10 percent units affordable to moderate income households, the density bonus shall be increased by one percent, up to a maximum of 35 percent of the maximum allowable residential density for the site.

E. Conversion of Apartments to Condominiums.

1. A density bonus of 25 percent if at least 33 percent of the total units of the proposed condominium project are affordable to persons of low or moderate income as defined in the Health and Safety Code (Section 50093), or if 15 percent of the total units of the condominium project are affordable to lower income households as defined by the Health and Safety Code (Section 50079.5).

2. Apartments that have already been granted a density bonus are ineligible for a density bonus under this section.
- F. **Projects that Exceed a 35 Percent Density Bonus.** A density bonus over 35 percent may be approved at the discretion of the Director.
- G. **Qualifying Projects—Number of Units.** The bonuses under Section 15-1803, Density Bonuses are applicable to residential projects of 5 or more units, and senior housing projects of more than 35 units.
- H. **Calculation of Density Bonus Units.** When calculating the number of permitted density bonus units, all fractional units shall be rounded to the next higher whole number. The applicant who requests a density bonus for a project that meets two or more of the eligibility requirements shall specify whether the bonus shall be awarded on the basis of Subsections A-E of Section 15-1803, Density Bonuses. The density bonus shall not be included when determining the number of target units to be provided in a development project.
1. **Optional Density Bonus.** The City may grant a proportionally lower density bonus and/or provide concessions and/or incentives set forth in Section 15-1804, Affordable Housing Concessions and Incentives, if an applicant agrees to construct a development containing less than the percentage of housing for lower or very low income households than provided in Section 15-1803, Density Bonuses.
- I. **State Childcare Facility Density Bonus.** When an applicant proposes to construct a housing development that conforms to the requirements of the State Density Bonus law and includes a childcare facility other than a family day care home that will be located on the premises of, as part of, or adjacent to, the project, the City shall grant either of the following:
1. **Additional Density Bonus.** A density bonus of additional residential units equal in square footage to the amount of square feet of the childcare facility.
 2. **Additional Concession or Incentive.** An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.
 3. **Length of Operation.** The childcare facility remains in operation for a period of time that is as long as, or longer than the length of time during which the affordable housing units must remain affordable.
- J. **Land Donation.**
1. **Basic Requirements.** When an applicant for a residential development such as a subdivision map or special permit donates land to the City in accordance with this subsection, a density bonus of 15 percent if at least 10 percent of the units are for very low income households shall be granted. For each additional one percent increase above 10 percent units affordable to very low income households, the density bonus shall be increased by one percent, up to a maximum of 35 percent of the maximum allowable residential density for the site.
 - a. This density bonus shall be in addition to any increase in density allowed by Section 15-1803, the combination of which shall not exceed 35 percent, unless approved with good cause by the Director pursuant to Section 15-1803.

2. ***Additional Requirements.*** The density bonus for donation of land may be granted if all of the following conditions are met:
- a. The applicant donates and transfers the land to the City or to a housing developer approved by the City. The transfer shall be complete (deed recorded) prior to the recordation of a subdivision map or approval of a Special Permit.
 - b. The transferred land is at least one acre in size or off sufficient size to permit development of at least 40 dwelling units.
 - c. The land has the appropriate general plan designation and zoning for the development at the density described in paragraph (3) of subdivision (c) of the Government Code (Section 65583.2).
 - d. Is or will be served by adequate public facilities and infrastructure; and has all permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map or Special Permit, except that the local government may subject the proposed development to subsequent design review if its design is not reviewed by the City prior to the time of transfer.
 - e. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with this Section recorded at time of transfer.
 - f. The transferred land shall be within the boundary of the proposed development or within one-quarter mile of the subject site, if acceptable to the Director.

15-1804 Affordable Housing Concessions and Incentives

- A. **Number of Incentives or Concessions.** Pursuant to the Government Code (Section 65915), an applicant is entitled to receive incentives and/or concessions as follows. The applicant who requests incentives or concessions for a mixed-income project shall specify whether the incentives or concessions shall be awarded on the basis of points 1, 2, 3, or 4, below.
1. One incentive or concession for projects that include:
 - a. At least 10 percent of the total units for lower income households;
 - b. At least five percent for very low income households; or,
 - c. At least 10 percent for persons and families of moderate income in a condominium or planned development;
 2. One incentive or concession for senior citizen housing developments; or
 3. Two incentives or concessions for projects that include at least 20 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a condominium or planned development; or
 4. Three incentives or concessions for projects that include at least 30 percent of the total units for lower income households, at least 15 percent for very low income households,

or at least 30 percent for persons and families of moderate income in a condominium or planned development.

- B. **Proposal of Incentives and Findings.** An applicant may propose specific incentives or concessions pursuant to this section and State law. In addition to any increase in density to which an applicant is entitled, the City shall grant one or more incentives and/or concessions that an applicant requests, up to the maximum number of incentives and concessions required pursuant to Subsection 15-1804-A unless the City makes a written finding that either:
1. The concession or incentive is not necessary in order to provide the proposed targeted units, or
 2. The concession or incentive would have a specific adverse impact that cannot be feasibly mitigated on public health and safety or the physical environment or any property that is listed in the California Register of Historical Resources.
 3. The applicant may propose and the City may approve additional incentives and concessions for an eligible project that provides targeted units that meet two or more of the eligibility requirements based on a written finding that the additional incentives or concessions are necessary in order to make the project economically feasible.
- C. **Types of Affordable Housing Incentives.** Affordable housing incentives may consist of any combination of the items listed below:
1. ***Modification of Development Standards.*** Up to 20 percent in modification of site development standards or zoning code requirements, including, but not limited to:
 - a. Reduced minimum lot sizes and/or dimensions.
 - b. Reduced minimum building setbacks and building separation requirements, excluding back up treatment for off-street parking spaces.
 - c. Reduced minimum outdoor and/or private usable open space requirements.
 - d. Increased maximum lot coverage.
 - e. Increased maximum building height.
 2. ***Reduced Parking.*** Upon the applicant's request, the following maximum parking standards, inclusive of handicapped and guest parking, shall apply to the entire project. Further reductions in required parking may be requested as one of the incentives allowed under Subsection 15-1804-A:
 - a. 0.50 on-site space for studio units;
 - b. .75 on-site space for one or two bedroom units;
 - c. 1 on-site spaces for three or more bedrooms; and
 - d. Guest parking shall be provided per the underlying district.
 3. ***Mixed Use Zoning.*** Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and such uses are compatible with the housing project and the surrounding area.

4. **Other Incentives.** Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable cost reductions or avoidance.

15-1805 Application Requirements

An application shall be submitted by an applicant and shall contain the information as outlined by the Director.

15-1806 Affordable Housing Standards

- A. **Duration of Affordability.** All affordable housing units shall be kept affordable for a minimum period of 30 years or a longer period as required by the financing assistance or subsidy program or the City, consistent with State law.
- B. **Timing of Availability.** Affordable housing units shall be constructed concurrently with, and made available for qualified occupants at the same time as the market-rate housing units within the same project unless both the City and the developer agree to an alternative schedule for development.
- C. **Design.** The mix and type of affordable units shall be proportionate to those of the project as a whole (with the exception that premium units – e.g., penthouses, top floor view units – shall not be required to be affordable units), and shall be comparable with the design of the base level market rate units prior to purchaser-funded upgrades in terms of appearance, materials, and finished quality.
- D. **Parking.** Parking designated for affordable units shall be provided in an equitable manner as that provided for the market rate units.
- E. **Location.** Wherever feasible, affordable units shall be located on site and dispersed throughout the development. When the Review Authority determines it to be in the public interest, some or all of the affordable units may be provided on another site within the City, separate from the site of the market-rate units.

15-1807 Regulatory Agreement

The City shall enter into a recorded agreement in the form of a covenant with property owner, and take other appropriate steps necessary to assure that the required moderate, low and/or very low income ownership units are provided and that the units remain affordable to moderate, low, or very low income households for the required period. This agreement shall include, but is not limited to, the following:

- A. **Number of Units.** The total number of units approved for the projects, including the number of affordable housing units.
- B. **Target Units.** The location, unit sizes (in square feet) and number of bedrooms of the affordable housing units.
- C. **Household Income Group.** A description of the household income groups to be accommodated by the project and a calculation of the Affordable Sales Price.
- D. **Certification Procedures.** The party responsible for certifying sales prices or annual rental rates, and the process that will be used for certification.

- E. **Schedule.** A schedule for the completion and occupancy of the affordable housing units.
- F. **Required Term of Affordability.** Duration of affordability of the housing units. Provisions should also cover resale control and deed restrictions on targeted housing units that are binding on property upon sale or transfer.
- G. **Expiration of Agreement.** Provisions covering the expiration of the agreement, including notice prior to conversion to market rate units and right of first refusal option for the City and/or the distribution of accrued equity for for-sale units.
- H. **Remedies for Breach.** A description of the remedies for breach of the Agreement by either party.
- I. **Other Provisions.** Other provisions to ensure implementation and compliance with this article.
- J. **Condominium and Planned Developments.** In the case of condominium and planned developments, the Regulatory Agreement shall provide for the following conditions governing the initial resale and use of affordable housing units:
 - 1. Target units shall, upon initial sale, be sold to eligible Very Low, Lower, or Moderate Income Households at an Affordable Sales Price and Housing Cost, or to Qualified Residents as defined by this Ordinance.
 - 2. Target units shall be initially owner-occupied by eligible Very Low or Lower Income Households.
 - 3. Upon resale, the seller of a target unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture its proportionate share of appreciation, which shall be used to promote home ownership opportunities as provided for in the Health and Safety Code (Section 33334.2). The City's proportionate share shall be equal to the percentage by which the initial sale price to the targeted household was less than the fair market value of the dwelling unit at the time of initial sale.
- K. **Rental Housing Developments.** In the case of rental housing developments, the Regulatory Agreement shall provide for the following conditions governing the use of Target Units during the use restriction period:
 - 1. The rules and procedures for qualifying tenants, establishing affordable rent rates, filling vacancies, and maintaining Target Units for qualified tenants.
 - 2. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this article.
 - 3. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying Target Units, and which identifies the bedroom size and monthly rent or cost of each Target Unit.
- L. **Recordation of Agreement.** The agreement shall be recorded with the Fresno County Recorder's Office and shall run with the property. The agreement shall conform to the provisions of the Government Code (Sections 65864 to 65869).

15-1808 Enforcement

- A. The provisions of this article shall apply to all agents, successors, and assignees of an applicant for development of the site. No building permit or occupancy permit shall be issued, nor any development approval granted, which does not meet the requirements of this article.
- B. In addition to, or in lieu of, the provisions of 15-1808-A the City shall institute injunction, mandamus, or any other appropriate legal actions or proceedings for the enforcement of this article.
- C. Any person, firm, or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this article, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable for each offense by a fine of not more than \$500.00, or by imprisonment in the County Jail for a term not exceeding six months, or by both fine and imprisonment. Such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during any portion of which any violation of this article is commenced, continued, or permitted by such person, firm, or corporation, and shall be punishable as provided herein.

15-1809 Definitions

Whenever the following terms are used in this article, they shall have the meaning established by this Section:

- A. **Additional Incentive(s).** Regulatory concessions as specified in California Code Sections 65915(k) to include, but not be limited to, the reduction of site development standards or Zoning Ordinance requirements, approval of mixed-use zoning in conjunction with the housing project, or any other regulatory incentive which would result in identifiable cost reductions that are offered in addition to a density bonus.
- B. **Affordable Housing.** Housing units that are affordable to families with very low, low, or moderate incomes.
- C. **Affordable Housing Agreement** A legally binding agreement between a developer and the City to ensure that the requirements of this Chapter are satisfied. The agreement establishes, among other things, the number of required inclusionary or affordable housing units, the unit sizes, location, affordability tenure, terms and conditions of affordability and unit production schedule.
- D. **Affordable Unit, For Rent.** A unit for which the total monthly rent plus utilities does not exceed the following:
 - 1. ***Moderate income households.*** 30 percent of 110 percent of the Fresno County median income.
 - 2. ***Lower income households.*** 30 percent of 60 percent of the Fresno County median income.
 - 3. ***Very low income households.*** 30 percent of 50 percent of the Fresno County median income.

- E. **Affordable Unit, For Sale.** A unit for which the total monthly payment including interest, taxes, insurance, and utilities does not exceed the following:
1. ***Moderate income households.*** 35 percent of 110 percent of the Fresno County median income.
 2. ***Lower income households.*** 30 percent of 70 percent of the Fresno County median income.
 3. ***Very low income households.*** 30 percent of 50 percent of the Fresno County median income.
- F. **Conversion.** The change of status of a dwelling unit from a purchased unit to a rental unit or vice versa.
- G. **Density Bonus.** A minimum increase in the number of dwelling units authorized for a particular parcel of land over the otherwise maximum residential density.
- H. **Density Bonus Dwelling Units.** Those residential units granted pursuant to the provisions of this article which are above the maximum allowable residential density of the project site.
- I. **Financial Assistance.** Assistance to include, but not be limited to, the subsidization of fees, infrastructure, land costs, or construction costs, the use of redevelopment set-aside funds, community development block grant (CDBG) funds, or the provision of other direct financial aid in the form of cash transfer payments or other monetary compensation, by the City of Fresno.
- J. **Housing Costs.** Defined in accordance with Section 50052.5 of the California Health and Safety Code and shall generally mean the monthly mortgage principal and interest, property taxes and assessments, homeowners insurance, homeowner association fees where applicable, an allowance for utilities and property maintenance and repairs, for ownership dwelling units; and the monthly rent, and allowance for utilities, fees or service charges charged to all tenants, for rental dwelling units.
- K. **Income Eligibility.** The gross annual household income, considering the household size and number of dependents, income of all wage earners, elderly or disabled family members and all other sources of household income. For self-employed households, net annual household income shall be used in determining income eligibility.
- L. **In-lieu Incentives.** Incentives offered by the City, which are of equivalent financial value based upon the land cost per dwelling unit(s), that are offered in-lieu of density bonus and additional incentive.
- M. **Income.** Any monetary benefits that qualify as income in accordance with the criteria and procedures used by the City of Fresno.
- N. **Income Levels.** For purposes of determining income levels of households under this article, the City shall use the Fresno County income limits in Title 25, Section 6932 of the California Code of Regulations or other income limits adopted by the City Council if the State Department of Housing and Community Development fails to provide timely updates of the income limits in the California Code of Regulations.

- O. **Lower-Income Household.** Low-income household whose gross income does not exceed 80 percent of the area median income for Fresno County as determined annually by the U.S. Department of Housing and Urban Development.
- P. **Market-Rate Unit.** A dwelling unit where the rental rate or sales price is not restricted either by this article or by requirements imposed through other local, state, or federal affordable housing programs.
- Q. **Maximum Allowable Residential Density.** The maximum residential density allowed under this Ordinance and the General Plan, or if a range of density is permitted, the maximum allowable density for the specific zoning range and General Plan applicable to the project.
- R. **Median Income.** The median income earned by a household or family, adjusted by size, as published by U.S. Department of Housing and Urban Development.
- S. **Moderate-Income Household.** A household whose gross income is more than 80 percent but does not exceed 120 percent of the median income for Fresno County as determined annually by the U.S. Department of Housing and Urban Development.
- T. **Offsets.** Concessions or assistance to include, but not be limited to, direct financial assistance, density increases, standards modifications or any other financial, land use, or regulatory concession which would result in an identifiable cost reduction enabling the provision of affordable housing.
- U. **Operating Agent.** A nonprofit organization, for-profit corporation, county or City agency chosen by the City to carry out some or all of the administrative provisions of this article.
- V. **Project.** A housing development at one location including all dwelling units for which permits have been applied for or approved within a 12 month period.
- W. **Qualifying Resident.** Persons 62 years of age or older, or 55 years of age or older in a residential development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least 35 dwelling units, and as defined in Section 51.3 of the California Civil Code.
- X. **Senior Citizen Housing Development.** A residential development consisting of at least 35 dwelling units which is developed for, or substantially rehabilitated or renovated for persons 55 year of age or older.
- Y. **Target Dwelling Unit.** A dwelling unit that will be offered for rent or sale exclusively to and which shall be affordable to the designated income group or qualified resident, as required by this article.
- Z. **Very Low Income Household.** A household whose gross income does not exceed 50 percent of the area median income for Fresno County as determined annually by the U.S. Department of Housing and Urban Development.

Article 19 **Landscape**

Sections:

15-1901	Purpose
15-1902	Applicability
15-1903	Landscape Plans
15-1904	Areas to be Landscaped
15-1905	Landscape Design Standards
15-1906	General Landscaping Standards
15-1907	Trees
15-1908	Irrigation Specifications
15-1909	Maintenance
15-1910	Installation and Completion

15-1901 Purpose

The purpose of this Article is to achieve the following:

- A. Enhance the appearance and function of all development by providing standards relating to the quality, quantity, and design of landscaping;
- B. Protect public health, safety, and welfare by minimizing the impact of all forms of physical and visual pollution, controlling soil erosion, screening incompatible land uses, preserving the integrity of existing residential neighborhoods, and enhancing pedestrian and vehicle traffic and safety;
- C. Preserve, protect, manage, maintain, and enhance the city's community forest to promote scenic beauty, provide habitat, maintain and increase property values, counteract air pollutants, minimize heat island effect, provide shade, store carbon, decrease wind velocities, attract investment, promote active living, foster wellbeing, reduce soil erosion and ground water contamination;
- D. Promote energy conservation in buildings by providing shade from the sun's rays in summer, allowing the sun rays in winter and providing shelter from the cold wind in winter; and
- E. Encourage water conservation through the use of native and water-wise climate-appropriate plants, efficient design, and water-conserving irrigation design and practices.

15-1902 Applicability

The standards of this article apply to the following:

- A. New development;
- B. Additions (other than to Single-Family Dwellings or Duplexes) to an existing building that expands the existing floor area by either 20 percent or more or 2,500 square feet or more, whichever is less. The floor area increases to the existing building shall be cumulative from the date of adoption of this code;

- C. A new building with a floor area of 300 square feet or more on a developed site. The 300 square feet shall be cumulative from the date of adoption of this code;
- D. The demolition and reconstruction of a site;
- E. New landscape construction; or
- F. Change of Occupancy of an existing building requiring a change of occupancy permit as defined by the Building Code.
- G. Exceptions. The standards of this section do not apply to landscaping that is part of a registered historic site, plant collections as part of botanical gardens and arboretums open to the public, or ecological restoration projects that do not require a permanent irrigation system.

15-1903 Landscape Plans

A landscape plan shall be submitted with the permit application whenever landscaping per Section 15-1902 applies.

- A. **Information Required.** Landscape plans shall be drawn to scale and shall, at a minimum, include the following:
 - 1. Proposed plant locations, species, sizes, and plant factor. Plants with similar water needs shall be grouped together into hydrozones on the landscape plan. The plant factor according to the California Department of Water Resources study, Water Use Classification of Landscape Species (WUCOLS), shall be identified for all landscaped areas on a site. All water features shall be identified as high water use and temporarily irrigated areas shall be identified as low water use.
 - 2. Proposed landscape features (stepping stones, benches, fountains, sculptures, decorative stones, or other ornamental features) locations, dimensions, and materials.
 - 3. Proposed landscaping mounds, water features (pools and ponds) and paved surfaces locations, dimensions, and materials.
 - 4. Location of any existing trees over six inches in diameter, as measured 48 inches above natural grade, and whether each such tree is proposed for retention or removal.
 - 5. Identification of areas of preservation or incorporation of existing native vegetation.
 - 6. Identification of areas not intended for a specific use, including areas planned for future phases of a phased development, shown landscaped or left in a natural state.
 - 7. Any additional proposed landscape elements and measures to facilitate plant growth or control erosion.
- B. **Authorized to Design a Landscape.** Landscaping for commercial projects, industrial projects, institutional projects, and residential projects consisting of more than five units shall be prepared by a California registered landscape architect. For all other projects the various professionals, practitioners, and unlicensed persons may offer landscape design services within the scope and limitations that pertain to each as follows:
 - 1. ***Landscape Architect.*** Must hold a professional license to practice landscape architecture. May perform professional services for the purpose of landscape

preservation, development and enhancement, such as consultation, investigation, reconnaissance, research, planning, design, preparation of drawings, construction documents and specifications, and responsible construction observation (Business and Professions Code, Section 5615).

2. ***Architect.*** Must hold a professional license to practice architecture. May offer, perform, or be in responsible control of professional services which require the skills of an architect in the planning of sites (Business and Professions Code, Sections 5500.1 and 5641.3).
3. ***Professional Engineers.*** Must hold professional registration to practice engineering. May perform professional services as defined under Business and Professions Code, Section 5615, as long as the work is incidental to an engineering project (Business and Professions Code, Sections 5615, 5641.3 and 6701 et seq.).
4. ***Landscape Contractors.*** Must hold a C-27 landscaping contractor's license. May design systems and facilities for work to be performed and supervised by that contractor (Business and Professions Code, Sections 5641.4 and 7027.5 and California Code of Regulations, Title 16, Division 8, Section 832.27).
5. ***Nurserypersons.*** Must hold a license to sell nursery stock. May prepare planting plans or drawings as an adjunct to merchandizing nursery stock and related products (Business and Professions Code, Section 5641.2 and Food and Agricultural Code, Section 6721 et seq.).
6. ***Landscape/Garden Designers, etc.*** May prepare plans, drawings, and specifications for the selection, placement, or use of plants for single-family dwellings; may prepare drawings for the conceptual design and placement of tangible objects and landscape features; may not prepare construction documents, details, or specifications for tangible landscape objects or landscape features; and may not prepare grading and drainage plans for the alteration of sites.
7. ***Personal Property Owners (Homeowner).*** May prepare any plans, drawings or specifications for any one- or two-family dwelling property owned by that person.
8. ***Golf Course Architect.*** May engage in the practice of, or offer to practice as, a golf course architect. May perform professional services such as consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision, where the dominant purpose of such service is the design of a golf course, in accordance with accepted professional standards of public health and safety.
9. ***Irrigation Consultants.*** May engage in the practice of, or offer to practice as, an irrigation consultant. May perform consultation, investigation, reconnaissance, research, design, preparation of drawings and specifications, and responsible supervision, where the dominant purpose of such service is the design of landscape irrigation, in accordance with accepted professional standards of public health and safety.

(The applicable statutes which govern the above unlicensed categories are Business and Professions Code, Sections 5641, 5641.1, 5641.5 and 5641.6) (10-02, Amended, 02/02/2010)

- C. **Landscape Construction Plans.** In addition to the provisions of this Article, more requirements may apply to landscape plans at time of plan review submittal for building, landscaping and/or plumbing permits as stipulated in the California Green Building Standards Code and/or the California Model Water Efficient Landscape Ordinance and/or the California Plumbing Code as may be amended. Where there is potential conflict between this Article and those codes as adopted in other Articles, the other Articles shall prevail.

15-1904 Areas to be Landscaped

The following areas shall be landscaped and may count toward the total area of site landscaping required by the zoning district regulations.

- A. **Parking Areas.** Parking areas shall be landscaped in compliance with Article 20, Parking and Loading.
- B. **Required Setbacks.**
1. ***All Districts.*** For permitted paved areas, refer to the underlying Base District.
 2. ***Residential Uses that are Single-Family Dwellings, Duplexes, and Triplexes.*** All required front and street-facing side yards, except for areas used for exit and entry shall be landscaped. If a solid fence is provided on a street side yard property line, the street side yard is not required to be landscaped.
 3. ***Residential Uses other than Single-Family Dwellings, Duplexes, and Triplexes.*** All required setbacks, except for areas used for exit and entry, shall be landscaped.
 4. ***Non-Residential Uses.*** All required setbacks, except for areas used for exit and entry, shall be landscaped. If an Industrial District abuts another Industrial District, side and rear yards are not required to be landscaped, however should an Industrial District any other district or a street, it shall be landscaped.
- C. **Lot Perimeters.** Landscape buffers shall be installed and maintained along side and rear lot lines between differing land uses, in accordance with the sections of this Article and the following standards:
1. ***Required Landscape Buffers.*** Table 15-1904-B(1), Required Landscape Buffers, shows when a buffer treatment is required, and of what type, based on the proposed and the adjoining use. Only the proposed use is required to provide the buffer yard. Adjoining uses are not required to provide the buffer yard. The type of buffer yard required refers to buffer yard-type designations (Type 1 or Type 2) as shown in Table 15-1904-B(2), Buffer Yard Requirements. A dashed line, “-”, means that a buffer yard is not necessary unless required by another section of this Code.

TABLE 15-1904-B(1): REQUIRED LANDSCAPE BUFFERS

<i>Proposed Use</i>	<i>Adjoining Use</i>						
	<i>Park or Open Space</i>	<i>Single-Family Residential</i>	<i>Multi-Family Residential</i>	<i>Mixed-Use</i>	<i>Commercial, Office, and Business Park</i>	<i>Industrial</i>	<i>Public Facility</i>
Park or Open Space	-	Type 1	Type 1	Type 1	-	-	-
Multi-Family Residential	Type 1	Type 1	-	-	-	-	-
Mixed-Use	Type 2	Type 2	Type 2	-	-	-	-
Commercial, Office and Business Park	Type 2	Type 2	Type 2	-	-	Type 1	Type 1
Industrial	Type 2	Type 2	Type 2	Type 2	Type 2	-	Type 2
Public Facility	Type 2	Type 2	Type 2	Type 2	Type 2	Type 1	-

2. ***Buffer Yard Types.*** Table 15-1904-B(2), Buffer Yard Requirements, describes the minimum width, plant materials, and wall requirements for each type of buffer yard. The listed number of trees and shrubs are required for each 100 linear feet of buffer yard. Natural areas with native vegetation or alternative planting materials which achieve equivalent buffering effects may be approved by the Director.

TABLE 15-1904-B(2): BUFFER YARD REQUIREMENTS

<i>Buffer Yard Type</i>	<i>Minimum Width (feet)</i>	<i>Trees</i>		<i>Shrubs</i>	
		<i>Large</i>	<i>Small to Medium</i>	<i>Large</i>	<i>Small to Medium</i>
Type 1	10	2	2	6	8
Type 2	15	2	3	8	10

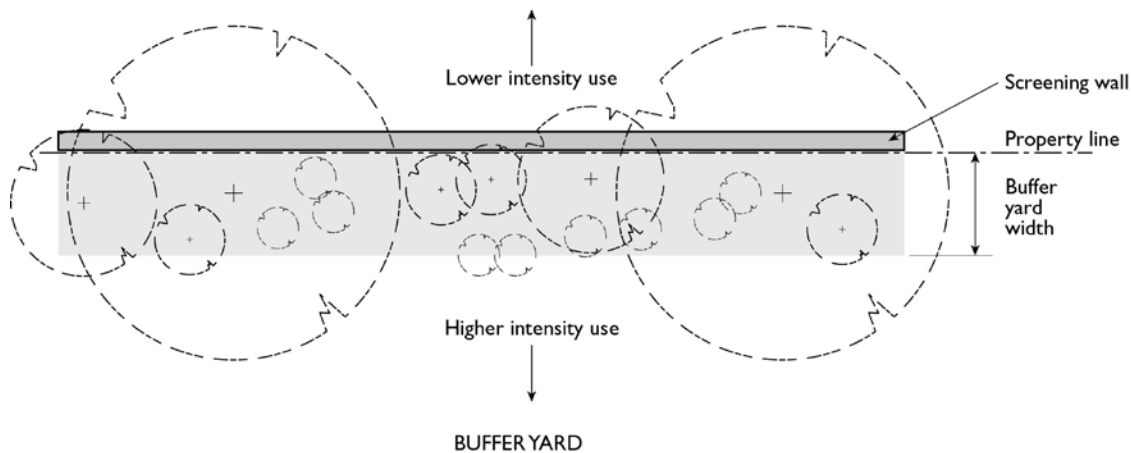


FIGURE 15-1904-B(2): BUFFER YARD REQUIREMENTS

3. **Patio Allowance.** An employee or dining patio is allowed within the buffer yard for up to 50 percent of the depth of the required buffer yard.
- D. **Landscape Setback.** All areas between site perimeter walls/fencing and lot lines facing a street shall be landscaped. Landscaping shall be installed and maintained in accordance with the sections of this Article and the following standards:
1. Planting areas more than 10 feet in width shall be planted with medium and large trees and medium and large shrubs to span the entire length.
 2. Planting areas 10 feet or less in width shall at the very least be planted with small trees and small to medium size shrubs to span the entire length.
 3. The shrubs shall be planted to provide total wall/fence screening from top to bottom for the entire length within five years.
 4. Trees shall be planted so the canopies could touch for the entire length within five years.
 5. Irrigation systems shall be designed to match the percolation rates of the soil.
- E. **Building Perimeters.**
1. All portions of a building that face a public street shall have one or more landscape planters installed along a minimum of 20 percent of that building face. This standard does not apply where a building is located within three feet of a public sidewalk.
 2. The minimum width of the planter shall be three feet. Planters may be raised or at grade and may include potted plants.

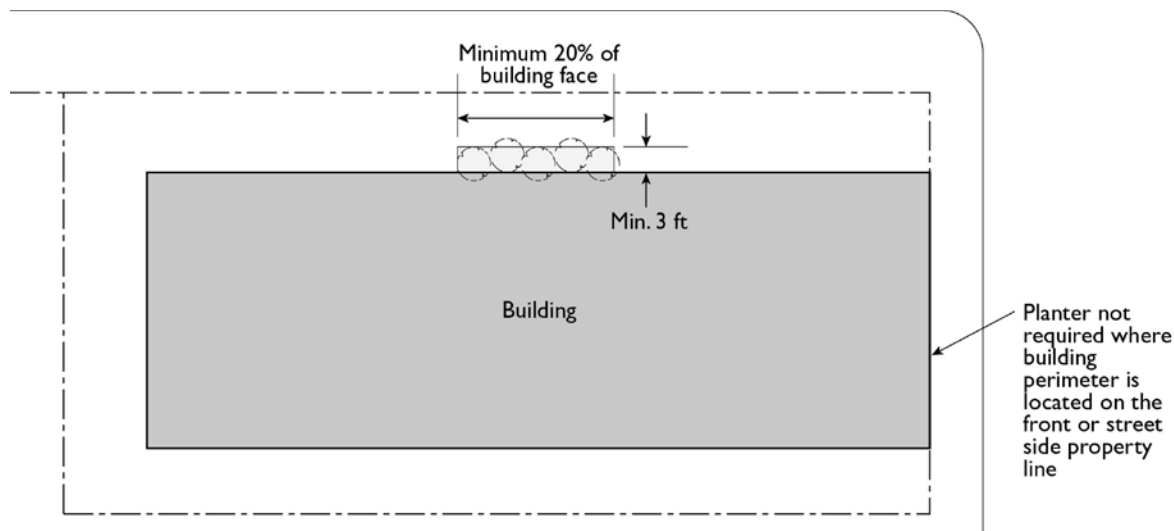


FIGURE 15-1904-D: BUILDING PERIMETERS

- F. **Unused Areas.** All areas of a project site not intended for a specific use, including areas planned for future phases of a phased development, shall be maintained clear and free of refuse, debris, or other accumulated matter.

15-1905 Landscape Design Standards

The following design standards are to be used by decision-makers in evaluating whether landscape plans conform to the requirements of this Section:

- A. **Composition.** The quality of a landscape design is dependent not only on the quantity and selection of plant materials but also on how that material is arranged. Landscape materials must be arranged in a manner as to provide the following qualities and characteristics:
1. **Texture.** Landscape designs must provide a textured appearance through the use of a variety of plant material rather than a single species, by contrasting large leaf textures with medium and small leaf textures, and with a variety of plant heights. Spacing of key landscaping components, such as trees and shrubs, shall be consistent with the overall design approach of the landscape plan. Formal landscape designs benefit from a uniform spacing of plants, whereas varied spacing and clustering of trees is more compatible with a naturalistic design.
 2. **Color.** Landscape designs shall include a variety of plants to provide contrasting color to other plants in the design. Designs are encouraged to include flowering plants and especially a mix of plants that display colorful flowers throughout the year.
 3. **Form.** Landscape designs will consider the complete three-dimensional form of the landscaping, not simply the form of individual elements. The interrelationship of all

landscape elements shall be considered so that the final design presents a coherent whole.

- B. **Buffering and Screening.** The use of natural landscape materials (trees, shrubs, and hedges) are the preferred method for buffering differing land uses, buffering walls to prevent graffiti, providing a transition between adjacent lots, and screening the view of parking, storage or service area, refuse collection facility or enclosure, utility enclosure, drive-through, utility pipe or box visible from a public street, alley, or pedestrian space or walkway. Plants may be used with walls or berms to achieve the desired screening or buffering effect. Plant material needs to be mature enough at the time of planting and appropriately located to provide an effective buffer or screen within five years of planting.
- C. **Water-Wise Landscaping.** Landscape designs shall feature plant species that thrive in the San Joaquin Valley region to take advantage of the adaptability of regionally appropriate plants to local environmental conditions and to conserve water. The use of drought-tolerant or climate adaptive plants should enrich the existing landscape character, conserve water and energy, and provide a pleasant and varied visual appearance. Group plants with similar water needs into hydrozones.
- D. **Continuity and Connection.** Landscaping must be designed within the context of the surrounding area, provided that the adjacent landscaping is consistent with the landscape design standards of this section. Where the adjacent property landscaping meets the landscape design standards of this section, plant materials shall blend well with adjacent properties, particularly where property edges meet, to create a seamless and natural landscape. Exceptions can be made when seeking to create a transition between uses or zoning districts.
- E. **Enhancing Architecture.** Landscape designs shall be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape. Major landscape elements must be designed to complement architectural elevations and roof lines through color, texture, density, and form on both vertical and horizontal planes. Landscaping shall be in scale with on-site and adjacent buildings. Plant material shall be installed at an appropriate size and allowed to accomplish these intended goals.

15-1906 General Landscaping Standards

A. Materials.

1. **General.** Landscaping may consist of a combination of turf, groundcovers, shrubs, vines, trees, incidental features such as stepping stones, benches, fountains, sculptures, decorative stones, and other ornamental features placed within a landscaped setting. Plant materials shall be selected from among those species and varieties known to thrive in the Fresno climate. Paved or graveled surface areas may not exceed 25 percent of the area required to be landscaped. Recirculating water shall be used for decorative water features. Areas dedicated to edible plants are considered landscaped areas and count toward required landscaping.
2. **Non-Plant Materials.** Non-plant materials such as gravel, colored rock, cinder, bark, and similar materials may not be used to meet the minimum planting area required by this section.

3. ***Synthetic Lawns.*** Synthetic lawns may be considered as turf, cover no more than 75% of the required landscape area, and allowed in the following settings:
 - i. Single-family residences;
 - ii. Public facilities;
 - iii. Private and public schools; and
 - iv. Religious institutions
4. ***Mulch.*** A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting ground covers or other special planting situations where mulch is not recommended. Stabilizing mulching products shall be used on slopes. Mulch must be confined to areas underneath shrubs and trees and is not a substitute for ground cover plants.
5. ***Size and Spacing.*** Plant materials shall be grouped in hydrozones in accordance with their respective water, cultural (soil, climate, sun, and light), and maintenance needs. Plants shall be of the following size and spacing at the time of installation:
 - a. ***Ground Covers.*** Ground cover plants must be at least the four-inch pot size and spaced to provide full coverage within the time frame specified for the species planted.
 - b. ***Shrubs.*** Spacing of shrubs shall be according to local conditions; the species, cultivars, or varieties used; and their mature height, spread, and form. When planted to serve as a hedge or screen, shrubs shall be spaced at 75% of their mature length.
 - i. **Small Shrub.** A small shrub shall have a mature height of three to less than five feet and shall be planted at minimum from one-gallon containers.
 - ii. **Medium Shrub.** A medium shrub shall have a mature height of between five and eight feet and shall be planted at minimum from five-gallon containers.
 - iii. **Large Shrub.** A large shrub shall have a mature height of greater than eight feet and shall be planted at minimum from five-gallon containers.
 - c. ***Trees.*** A minimum of 15 percent of the trees planted shall be 24-inch box or greater in size. All other trees shall be a minimum of 15 gallons in size. Spacing of trees shall be according to local conditions; the species, cultivars, or varieties used; and their mature height, spread, and form. Newly planted trees shall be supported with stakes or guy wires.

- i. Small Tree. A small tree shall have a mature height of less than 25 feet and be at least one inch in diameter at six inches above ground level. Generally, shall be planted 25 feet apart.
 - ii. Medium Tree. A medium tree shall have a mature height of between 25 and 45 feet and be at least 1 1/4 inch in diameter at six inches above ground level. Generally, shall be planted 35 feet apart.
 - iii. Large Tree. A large tree shall have a mature height of greater than 45 feet and be at least 1 1/2 inch in diameter at six inches above ground level. Generally, shall be planted 45 feet apart.
- 6. ***Landscaping Mound.*** Landscaping mounds shall be constructed on slopes not to exceed 4:1 with the toe of the mound located a distance of 12 feet or greater horizontally of the top of existing or planned cut slope. The toe of the mound shall be set back from buildings and property boundaries as far as necessary for safety of the adjacent properties and to prevent damage resulting from water runoff or erosion of the slope. In no case shall the toe of the mound be within five feet of any building or one foot of the street right-of-way.
- B. **Dimension of Landscaped Areas.** Landscaped areas shall have a minimum horizontal dimension of five feet to count towards required landscaping.
- C. **Prescribed Heights.** The prescribed heights of landscaping shall indicate the height to be attained within five years after planting.
- D. **Drivers' Visibility.** Trees and shrubs shall be planted and maintained so that at maturity they do not interfere with traffic safety sight areas, or public safety. Notwithstanding other provisions of this section, landscaping must comply with Chapter 13, Article 2, Sections 13-227, Obstruction to Visibility at Intersections and 13-228, Intersection Visibility, Investigation, and Enforcement.

15-1907 Trees

- A. **Trees.** Trees shall be provided as follows:
 - 1. ***Residential Single-Family Districts.*** A minimum of two trees per lot and if part of a Planned Development then trees may be provided in common areas in addition to the two provided on each residential lot;
 - 2. ***Multiple Family Residential and Mixed-Use Districts.*** A minimum of one tree per unit;
 - 3. ***Commercial, Office, Business Park, and Regional Business Park Districts.*** A minimum of one tree for every 2,000 square feet of lot coverage;
 - 4. ***Industrial Districts.*** A minimum of one tree for every 5,000 square feet of lot coverage;
 - 5. ***Planned Development Districts.*** For requirements in single family residential development see Residential Single-Family Districts, for multi-family and mixed-use development see Residential Multi-Family and Mixed-Use Districts, and for

commercial and employment development see Commercial and Employment Districts above;

6. Trees planted near public curbs or sidewalks shall be of a species and installed in a manner that prevents physical damage to the curbs, gutters, sidewalks, and other public improvements;
7. Street-oriented trees are preferable to meet the requirements for a minimum of one of the required trees.
8. Passive solar-oriented trees and wind buffer-oriented trees are preferable to meet the requirements of some or all of the additional required trees.

B. Heritage Tree Designations

1. ***Applications.*** Applications for designation of a heritage tree on private or public property may be initiated by any person subject to the property owners' written consent. The applicant requesting heritage tree designation shall submit an application in compliance with instructions provided by the Director and shall include the following:
 - a. Assessor's parcel number of the site;
 - b. Description detailing the proposed heritage tree's special aesthetic, cultural, or historic value of community interest; and
 - c. Photographs of the tree(s).
2. ***Review.*** The Director shall conduct a review of the proposed heritage tree, based upon information or documentation they may require from the applicant, staff, or other available sources. A tree may be designated as a heritage tree upon a finding that it is unique and important to the community due to any of the following factors:
 - a. It is an outstanding specimen of a desirable species;
 - b. It is one of significant age and/or girth in the city; or
 - c. It has agricultural, cultural, economic, educational, historical, indigenous, or social heritage significance in the city.
3. ***Hearing.*** The Commission shall hold a public hearing on any proposed designation within thirty (30) days after the application is deemed complete and shall render a decision to approve, deny, or continue the hearing for more information.
4. ***Recordation of heritage tree designation.*** If the heritage tree designation is approved, the city shall record the designation with the County Recorder's Office and a copy shall be provided to the property owner and the Department. A listing of designated heritage trees and their locations shall be listed on the historic resources inventory and maintained by the Department.
5. ***Posting and notice.*** Hearings for heritage tree designation shall be subject to public hearing notice procedures specified in Section 15-4007, Public Notice. In addition, the Department shall post the site or tree under consideration at least ten (10) calendar days before the hearing date with a sign identifying the nature of the application and the date, time, and place of the hearing.

C. **Protected Trees.** The following apply to Protected Trees:

1. No Protected Tree shall be removed, pruned, or otherwise materially altered without a Tree Removal Permit except as provided in this section. Trimming of a Protected Tree is allowed without such a permit.
2. Protected Trees are as follows:
 - a. *Heritage Trees.*
 - b. *Multi-trunk trees.* Any multi-trunk tree which has at least one trunk 12 inches or greater in diameter or 38 inches or greater in circumference, measured four feet above the adjacent grade, except for developed single-family residential properties.
 - c. *Any tree 12 inches or greater in diameter.* Any tree which measures 12 inches or greater in diameter or 38 inches or greater in circumference, measured four feet above the adjacent grade, except for developed single-family residential properties.
 - d. *Parkway trees and any trees located on public property.*
 - e. *Condition of Approval.* Any tree required to be planted or retained as a condition of approval of a development application or a Building Permit.
 - f. *Trees required by Site Plan Review.* Trees required or memorialized under Site Plan Review.
3. The following trees may be removed without approval of a Tree Removal Permit:
 - a. *Emergencies.* Trees may pose an immediate threat to persons or property during an emergency or are determined to constitute an emergency upon order of the Director, the Public Utilities Director, the Public Works Director, or any member of the Police or Fire departments.
 - b. *Public nuisance.* Any tree in a condition to constitute a public nuisance as determined the Building Official, the Director, the Fire Chief, the Public Utilities Director, or the Public Works Director.
 - c. *Public Utilities.* Trees that undermine or impact the safe operation of public utilities.
 - d. *Fruit trees.* Any fruit tree.
 - e. *Eucalyptus trees.* All trees of the genus Myrtaceae.
 - f. *Developed single-family residential.* Any tree located on developed single-family residential property, except as specified in Subsection 15-1907.B.2.
4. Chemicals or other construction materials shall not be stored within the drip line of Protected Trees.
5. Signs, wires, or similar devices shall not be attached to Protected Trees.
6. If the proposed development, including any site work for the development, will encroach upon the drip line of a Protected Tree, special measures shall be utilized, as

approved by the review authority, to allow the roots to obtain oxygen, water, and nutrients as needed. Any excavation cutting, filling, or compaction of the existing ground surface within the protected perimeter, if authorized at all by the review authority, shall be minimized and subject to such conditions as may be imposed by the review authority. No significant change in existing ground level shall be made within the drip line of a Protected Tree. No burning or use of equipment with an open flame shall occur near or within the protected perimeter.

7. Underground trenching for utilities shall avoid major support and absorbing tree roots of Protected Trees. If avoidance is impractical, tunnels shall be made below the roots. Trenches shall be consolidated to service as many units as possible. Trenching within the drip line of Protected Trees shall be avoided to the greatest extent possible and shall only be done under the at-site directions of a certified arborist.
8. No concrete or asphalt paving shall be placed over the root zones of oaks.
9. No compaction of the soil within the root zone of Protected Trees shall occur.
10. All trees, protected or otherwise, to be removed shall include the removal of the stump or be cut to at least six inches below the ground, and soil shall be replaced and the area leveled. If the area where the tree is removed is to be paved, the tree shall be cut or stump removed to at least eight inches below the ground.

D. **Tree Removal Permit/Application Requirements**

1. ***Application information.***
 - a. Applications for a tree removal permit shall be available from and filed with the DARM Dept. and shall contain the following:
 - i. A written explanation of why the tree(s) should be removed;
 - ii. Photograph(s) of the tree(s);
 - iii. Arborist report;
 - iv. Signature of the property owner and homeowners association (when applicable) and proof of a vote of the homeowners association;
 - v. Replanting plan (see Section 9.30.090 (Replacement Trees));
 - vi. Other information deemed necessary by the Director to evaluate the tree removal request; and
 - vii. Permit fee, if applicable.
 - b. The Director may modify or waive the requirements of this section if deemed appropriate (e.g., arborist reports for properties in RS Districts).
2. ***Additional application requirement for all properties except developed in RS Districts.*** Applications for a tree removal permit on all properties except developed single-family residential properties shall include a tree survey plan indicating the number, location(s), variety or species, and size(s) (measured four feet above grade) of the tree(s) to be removed.

E. **Determination on Permit Application**

1. ***General Criteria.*** The review authority shall issue a Tree Removal Permit if any of the following general criteria is met:
 - a. ***Diseased or danger of falling.*** The tree(s) is irreparably diseased or presents a danger of falling that cannot be controlled or remedied through reasonable preservation and/or preventative procedures and practices so that the public health or safety requires its removal.
 - b. ***Potential damage.*** The tree(s) can potentially cause substantial damage to existing or proposed main structure(s) (e.g., dwellings, other main structures, or public infrastructure) or interfere with utility services and cannot be controlled or remedied through reasonable relocation or modification of the structure or utility services.
 - c. ***Economic enjoyment and hardship.*** The retention of the tree(s) restricts the economic enjoyment of the property or creates an unusual hardship for the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly zoned and situated properties, and the applicant has demonstrated to the satisfaction of the review authority that there are no reasonable alternatives to preserve the tree(s). A minor reduction of the potential number of residential units or structural size due to tree location does not represent a severe limit of the economic enjoyment of the property.
2. ***Additional recommendations.*** The applicable review authority may refer the application to another department or the Commission for a report and recommendation.
3. ***Inspections and permit availability.*** City staff shall have the authority to conduct on-site inspections of all trees proposed for removal. If a tree removal permit is approved, the permit shall be on site at all times before and during the removal of a tree and/or shall be made available to any City official at the site, upon request.
4. ***Action.*** Based on the criteria identified in the Section, the review authority shall approve, conditionally approve, or deny the application. Conditions of approval may include any of the following:
 - a. Revisions to development plans to accommodate existing trees;
 - b. Payment of an in-lieu fee.
 - i. Payment of a fee shall be based on the fair market value of the number of trees required by Table 15-1907-C(4) for the same or equivalent species, delivered and installed, as determined by the Director.
 - ii. The fees will be used to purchase trees that will be planted within the public right-of-way or on other public property as Directed by the Public Works Department. Where feasible, trees will be planted in the vicinity in which the tree(s) was removed.
 - iii. Payment of the in-lieu fee shall be made before the issuance of the Tree Removal Permit.

- c. Replacement trees of a species and size planted at locations designated by the review authority in compliance with Table 15-1907-C(4); or
- d. A combination of replacement trees and in-lieu fees that in total provide for the number of replacement trees required by this Article.

TABLE 15-1907-C(4): REPLACEMENT TREE REQUIREMENTS			
<i>Trunk Size of Removed Tree (measured at 4 feet above grade)</i>		<i>Replacement Ratio Required (per tree removed)</i>	
<i>Diameter (in inches)</i>	<i>Circumference (in inches)</i>	<i>Number of replacement trees required</i>	<i>Minimum size of replacement trees</i>
12 to 24	30 to 75	2	24 inch box
Greater than 24	Greater than 75	3	36 inch box
Heritage Trees		4	48 inch box

- 5. ***Expiration.*** If no action on an approved tree removal permit is taken within a period of one year from the date of approval, the permit shall be considered void.

F. Review Authority and Permit Process.

1. ***Tree removal requests filed independent of development applications.***

- a. ***Director's review.*** The Director shall be the review authority for tree removal requests, except for heritage trees, filed independent of a development application. The Director shall render a decision within ten (10) business days from the date a tree removal application is filed and deemed complete. The Director may refer any application to another department, committee, board, or commission of the City for a report and recommendation, and may require the applicant to provide an arborist's report.
- b. ***Posting and notice.*** The decision of the Director shall be mailed to the applicant and to all owners of record located within a three-hundred-foot (300') radius of the subject property on the same day the decision is made. In addition, the site or tree shall be posted with a sign by the Department for at least ten (10) calendar days indicating the decision of the Director, and specifying the appeal period and the method of appeal.

2. ***Tree removal requests filed with a development application.***

- a. ***Review authority.*** The review authority for tree removal requests filed in conjunction with a development application shall be the same review authority as established for the accompanying development application.
- b. ***Public hearing.*** If a public hearing is normally required by this Development Code, the tree removal request shall be considered concurrently, in compliance with Section 15-4006, Public Notice.

- c. *Posting.* The Department shall also post the site or tree under consideration with a sign indicating the proposed removal and the date, time, and place of the hearing at least ten (10) calendar days before the hearing date.
- 3. ***Heritage tree removal requests.*** Notwithstanding any other provision of this section, the following provisions shall apply to requests for the removal of heritage trees.
 - a. *Requests filed independent of development applications.* The Commission shall be the review authority for all tree removal requests for heritage trees filed independent of a development application.
 - b. *Requests filed in conjunction with a development application.* The review authority for heritage tree removal requests filed in conjunction with a development application shall be the same review authority as established for the accompanying development application. Before the hearing by the review authority, requests to remove heritage trees filed in conjunction with a development application shall be referred to the Protected Tree Advisory Committee who shall make a recommendation to the review authority.
 - c. *Public hearing.* A public hearing by the review authority shall be required for all heritage tree removal requests in compliance with Section 15-4006, Public Notice.
 - d. *Posting.* The Department shall post the site or tree under consideration with a sign indicating the proposed removal and the date, time, and place of the hearing at least ten (10) calendar days before the hearing date.
- 4. ***Final decision/timing of tree removal.*** No tree for which a Tree Removal Permit is required shall be removed until all conditions of the permit have been satisfied and the decision has become final. In addition, tree(s) approved for removal in conjunction with a development application shall not be removed before the issuance of a Building Permit or unless all of the conditions of approval of the development application are satisfied.
- 5. ***Concurrent filing.*** All tree removal requests associated with a development application shall be filed concurrently.

G. **Appeals.**

- 1. ***Appeals.*** Any person aggrieved by a decision of the review authority as specified in Section 15-1907-B through F may appeal the decision in compliance with Section 15-4018, Appeals.
- 2. ***Decisions on appeals.*** No decision made in compliance with Section 15-1907-B through H shall be final until all appeal rights have expired. All appeal hearings shall be public hearings subject to Section 15-4018, Appeals.
- 3. ***Posting and notice.*** In addition to the public hearing procedures specified in Section 15-4006, Public Notice, the site or tree under consideration shall also be posted with a sign at least ten (10) calendar days before the hearing date of the appeal. The sign shall state the nature of the appeal under consideration by the appeal body, and the date, time, and place of the hearing.

TABLE 15-1907: TREE TYPE AND PERMIT PROCESS SUMMARY

<i>Type of Tree Removal Request</i>	<i>Protected Tree Types</i>	<i>Size Tree Protected (1)</i>	<i>Review Authority for Removal Permit</i>	<i>Appeal Process (2)</i>
Tree removal requests on all properties (except RS Districts [3]) not in conjunction with a development application	Any tree except fruit trees (4) and trees of the genus Myrtaceae (5)		Director	Commission and then Council
Tree removal requests in RS Districts not in conjunction with a development application	Trees of the species: Quercus (oaks) Cedrus (cedars) Fraxinus (ash) Sequoia (redwoods)	12 inch diameter or 38 inch circumference	Director	Commission and then Council
Tree removal requests on all properties in conjunction with a development application	Any tree except fruit trees and trees of the genus Myrtaceae (5)	12 inch diameter or 38 inch circumference	Director	Commission and then Council
Heritage Tree removal requests in all zoning districts (not in conjunction with a development application) (6)	Any Heritage Tree	None Specified	Commission	Council
Heritage Tree removal requests in all zoning districts (in conjunction with a development application) (6)	Any Heritage Tree	None Specified	Commission or Council, as applicable to the permit application	Council
Trees required as a condition of a development approval	Any tree required to be retained or planted	None Required	Director	Commission and then Council
Trees within the City public right-of-way and parkway strip	Any tree required to be retained or planted	None Required	Director	Commission and then Council

Notes:

- (1) Minimum size and greater – measured four feet above grade adjacent to trunk.
- (2) Appeals shall be filed in writing with the City Clerk within 10 days from the decision of the permit.
- (3) Developed single-family residential property in RS Districts or Planned Development.
- (4) Fruit trees, defined as any tree that has the characteristics of being edible fruit, common to commercial production varieties including stone fruits (e.g., prunes, peaches etc.), citrus (e.g., lemons, oranges), nut varieties (e.g., almonds), English walnut (except for California Black Walnut), Peppers (Schinus), and Olives (Oleaceae), etc. A “fruit tree” shall mean any tree that bears a fruit or nut not produced primarily as seed (e.g., oaks, pines etc.).
- (5) Any variety of eucalyptus tree
- (6) Includes any development application that requires Commission or Council Approval, except development applications not involving addition of new single-family units in RS Districts or Planned Development Single-Family developments (e.g. fence exception or Conditional Use Permit).

- H. **Delegation of Functions.** The Director may delegate any or all of the administrative duties authorized by this chapter to one or more Department or City staff members.
- I. **Violation.** In addition to the provisions of Article 53, Enforcement, any person who removes or causes to be removed any Protected Tree in violation of this article shall be required to:

1. Apply for and obtain a Tree Removal Permit and pay a double application fee.
2. Be responsible for property restoration which shall include:
 - a. Replacing the tree(s) removed with tree(s) of reasonably equivalent value and largest size feasible to the tree(s) removed per Table 15-1907-C(4);
 - b. The number, size, and location of replacement trees shall be determined by the Director after receipt of a report and recommendation by a licensed arborist;
 - c. Paying the fees of the licensed arborist, including any fees for the valuation under Subsection 15-1907-D.3.
3. Pay a civil penalty to the City, with the funds placed in the City's tree planting fund, in the amount of \$2,500 or the actual monetary value of the tree(s), as determined by a licensed arborist, whichever is less. The arborist shall use the then-current issue of the "Guide for Plant Appraisal" published by the International Society of Arboriculture. Said funds from the tree planting fund shall be allocated for the planting of new trees or shall be directed to a non-profit organization that specializes in the preservation and/or planting of trees in the city.

15-1908 Irrigation Specifications

- A. **General.** New landscaping shall have an automatic irrigation system designed to provide adequate and efficient coverage of all plant material.
- B. **Systems.** Irrigation systems shall comply with the requirements of the California Green Building Standards Code and/or the California Model Water Efficient Landscape Ordinance and/or the California Plumbing Code as may be amended.
- C. **Plans.** No plans are required to be submitted as part of this Article, but may be required otherwise elsewhere in the Code.

15-1909 Maintenance

- A. **General.** All planting and other landscape elements required by this Article shall be permanently maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Once planted healthy thriving trees and shrubs may not be removed without replacement by similar or better plantings providing a similar impact or function on the site. Plantings which show signs of damage or injury shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements.
 1. ***Non-Single-Family Districts.*** Trees may not be trimmed or pruned to reduce the natural height and crown.
- B. **Unoccupied.** All landscaping shall be provided and maintained prior to occupancy of the main building or open use other than agriculture. Previously developed landscapes must comply with Chapter 12, Article 3, Section 12-317-K, Nonconforming Landscaping.
- C. **Public Safety.** Property owners and occupants of lots fronting on any portion of a street shall maintain private trees and landscaping in such condition that the trees or landscaping will not

interfere with the public safety and convenience in the use of streets or sidewalks. Such owners and occupants shall maintain such trees so that there is an eight-foot pedestrian clearance from the top of the sidewalk or pathway, and a thirteen-foot vehicular clearance from the top of the curb or the top of the pavement. Street trees and parkways shall be protected and preserved according to Chapter 13, Article 3, Section 305.

- D. **Retention Basins.** Retention basins shall be maintained free of debris and trash, and all planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering.

15-1910 Installation and Completion

- A. **Consistency with Approved Plans.** All landscaping shall be installed consistent with approved plans and specifications, in a manner designed to encourage and maintain healthy plant growth.
- B. **Timing of Installation.** Required landscaping shall be installed prior to the issuance of a Certificate of Occupancy for the project.
- C. **Exception: Assurance of Landscaping Completion.** The Director may permit the required landscaping to be installed within 120 days after the issuance of a Certificate of Occupancy in special circumstances related to weather conditions or plant availability. A surety in the amount equal to 150 percent of the estimated cost of landscaping, including materials and labor, as well as an agreement that the required landscaping will be installed within 120 days, must be filed with the City to assure completion of landscaping installation within such time. The surety may take the form of cash deposit, irrevocable letter of credit or bond; and together with the agreement, would provide for payment to the City of any costs incurred in contracting for completion of the required landscaping.

Article 20 **Parking and Loading**

Sections:

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15-2001 Purpose

The specific purposes of the parking and loading regulations are to:

- A. Minimize design impacts that can result from parking lots, driveways, and drive aisles within parking lots;
- B. Offer flexible means of minimizing the amount of area devoted to vehicle parking by allowing reductions in the number of required spaces in transit-served locations, shared parking facilities, and other situations expected to have lower vehicle parking demand;
- C. Require that parking areas are designed to reduce potential environmental impacts, including minimizing stormwater runoff and the heat island effect;

- D. Ensure that parking is provided for new land uses and alterations to existing uses, to avoid the negative impacts associated with spillover parking into adjacent neighborhoods;
- E. Ensure that adequate off-street bicycle parking facilities are provided and promote parking lot designs that offer safe and attractive pedestrian routes;
- F. Establish standards and regulations of any specific use occurring outdoors or within an existing, newly constructed, or relocated building to provide well-designed, on-site parking areas; and,
- G. Provide loading and delivery facilities in proportion to the needs of allowed uses.

15-2002 Applicability

The requirements of this article apply to the establishment, alteration, expansion, or change in any use or structure, as provided in this Section.

- A. **New Buildings and Land Uses.** Parking shall be provided according to the provisions of this article.
- B. **Building Expansions.** Should a building be expanded, parking shall be provided according to the provisions of this article.
- C. **Use Expansions.** Should a use expand without necessarily expanding a building, such as an auto dealership, parking shall be provided according to the provisions of this article.
- D. **Change in Use or Change of Occupancy.**
 - 1. When a Change in Use or Change in Occupancy creates an increase of 10 percent or more in the number of required on-site parking or loading spaces, on-site parking and loading shall be provided according to the provisions of this article. The number of existing stalls shall be maintained, and additional stalls shall be required only for such addition, enlargement, or change in use. The Change in Use or Change in Occupancy that creates an increase of 10 percent or more shall be cumulative from the date of adoption of this Code.
 - 2. If the number of existing parking spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the addition, enlargement, or Change in Use.
- E. **Reconstruction of Non-Residential Buildings.** Should a building be damaged and/or demolished due to an Act of God, a building may be reconstructed and may provide the same number of stalls provided that there is no increase in building floor area.
- F. **Alterations that Increase the Number of Dwelling Units.** The creation of additional dwelling units through the alteration of an existing building or construction of an additional structure or structures requires the provision of on-site parking to serve the new dwelling units. If the number of existing parking spaces is greater than the requirements for the existing units, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking requirements for the new dwelling units.
- G. **Non-Conforming Parking or Loading.** An existing use of land or structure shall not be deemed to be non-conforming solely because of a lack of on-site parking and/or loading facilities required by this article, provided that facilities used for on-site parking and/or loading

as of the date of adoption of this Code are not reduced in number to less than what this article requires.

15-2003 General Provisions

- A. **Timing of Parking Requirements.** On-site parking facilities required by this article shall be constructed or installed prior to the issuance of a Certificate of Occupancy for the uses that they serve.
- B. **Existing Parking and Loading to be Maintained.** No existing parking or loading serving any use may be reduced in amount or changed in design, location or maintenance below the requirements for such use, unless equivalent substitute facilities are provided.
- C. **Advertising on Vehicles.** Vehicles shall not be parked solely for the purpose of advertising. Advertising shall comply with Article 22, Signs.
- D. **Maintenance.** Parking lots and pedestrian areas, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.
- E. **Vehicles for Sale.** Vehicle sales shall occur on lots approved for vehicle sales per Section 15-2310, Automobile and Motorcycle Sales and Leasing, and the following:
 - 1. Companies may sell excess vehicles on their property. No more than one excess vehicle may be sold on the lot at a time. Vehicles in Commercial Districts shall be parked on a paved area.
 - 2. Personal vehicles parked for the purpose of being sold so long as it is for non-commercial purposes. Vehicles shall be parked on a paved area.
- F. **Temporary Parking Lots.** For Temporary Parking Lots, refer to Section 15-2360-A, Temporary Uses Not Requiring a Temporary Use Permit.

15-2004 Buffer District

- A. Off-street parking of the following specified classes of vehicles shall be permitted in the Buffer District:
 - 1. Trucks of 1 ½ ton or more capacity;
 - 2. Trucks of 1 ¼ ton or more capacity with trailer attached;
 - 3. Buses;
 - 4. Trailers, if screened; and
 - 5. Any two-axle or three-axle truck tractor.
- B. **Pavement.** The parcel shall provide a 100 ft. shake-off area prior to reaching the street to minimize dirt, mud, etc. from being carried onto street.
- C. Vehicles described above shall be limited to non-commercial uses however the resident of the property may store their own vehicles on-site. Space may not be leased to commercial haulers.

15-2005 Recreational Vehicles, Boats, and Trailers

Recreational vehicles, fifth wheel trailers, boats, trailers, etc., collectively referred to as Recreation Vehicles in this Section, may be permitted per the provisions below.

- A. **Habitation.** Recreational Vehicles may not be used for sleeping or habitation, unless permitted per Subsections E, F, and G below.
- B. **Single-Family Districts.**
 - 1. **Screening.** Recreational Vehicles shall be parked in a fenced area, or in the rear yard or side yard, screened by a wall or solid fence not less than five feet in height.
 - 2. **Location.** Recreational Vehicles shall not project beyond the front limits of the home.
 - 3. **Exceptions.** A Recreational Vehicle may be parked in the driveway for purposes of loading and unloading for up to 72 hours in any month and shall not encroach into the public right-of-way. For purposes of this the Article, parking for up to 72 hours includes being parked in the front yard, the driveway, and/or the street.
 - 4. Commercial rated vehicles not commonly found in residential areas are prohibited.
- C. **Multiple-Family Residential Districts.**
 - 1. Recreational vehicles may not be parked and/or stored in multiple-family districts, unless stored in a fully enclosed garage.
 - 2. Trailers used for loading and unloading, may be parked temporarily and strictly for moving purposes and shall not encroach into the public right-of-way or landscape area.
 - 3. Construction-related trailers shall be removed upon completion of the construction or repairs.
- D. **Moving Trailers/Portable Storage/ISO Containers in Residential Districts.**
 - 1. Portable storage units may be parked on a driveway in single-family districts, or a parking space in multiple-family and mixed-use districts for the purposes of loading and unloading.
 - 2. Units may not be on a site for more than 96 hours in any month.
 - 3. Units shall not encroach into the public right-of-way (i.e., sidewalk), placed on the street, or front lawn, unless the lot does not have a driveway, then it may be placed in the front yard.
- E. **Recreational Vehicles at Fraternal and/or Service Organizations.** Overnight parking may be permitted at Fraternal or Service Organizations for their members. Area used for this purpose shall be screened from the public right-of-way with a six-foot block wall, hedge, or building. No individual Recreational Vehicle may park for more than 48 hours in any month on a site and shall not encroach into the public right-of-way. Areas used for this purpose shall be located outside of required yard, and/or landscape areas. Outdoor camping is not permitted. Areas used for this purpose are not required to be paved.
- F. **Recreational Vehicles at Commercial Centers.** Overnight parking may be permitted at Commercial Centers. No individual Recreational Vehicle may park for more than 12 hours in

any month on a site and shall not encroach into the public right-of-way. Areas used for this purpose shall be located outside of required yard, and/or landscape areas. Outdoor camping is not permitted. Areas shall be paved.

- G. **Recreational Vehicles at Hospitals.** Hospitals may provide Recreational Vehicle parking areas for visitors, provided that the hospital provides utility connection areas. A Recreational Vehicle may park so long as an acquaintance is under medical care of the hospital. Areas shall be paved.

15-2006 Inoperable Vehicles

- A. **Residential Districts.** Inoperable vehicles in residential districts shall not be visible from the public right-of-way. Inoperable vehicles may be stored in residential garages, or rear or side yards. Inoperable vehicles shall be limited to one per lot.
- B. **Non-Residential Districts.** In non-residential districts inoperable vehicles shall be screened from public streets. If staging for repair, vehicles may only be visible for up to eight hours prior to being moved into the repair garage. Inoperable vehicles may not be stored in public view overnight unless the vehicle was transported to the site after business hours.

15-2007 Required Parking for Mixed-Use Districts and CMS District

The required numbers of on-site parking spaces are stated in Table 15-2007, Required Parking for Mixed-Use Districts and CMS District. The parking requirement for any use not listed in Table 15-2007 shall be the same as required for the land use in other districts as stated in Table 15-2008, Required Parking, Other Districts.

TABLE 15-2007: REQUIRED ON-SITE PARKING SPACES, MIXED-USE DISTRICTS AND CMS DISTRICT		
Use	Required Parking Spaces	
Residential		
Studio, and one-bedroom units	.75 space per unit	Required parking shall be covered. One additional guest parking space must be provided for every 4 units for projects greater than 4 units.
Two bedrooms	1 space per unit	
Three or more bedrooms	1.5 spaces per unit	
Non-Residential		
Office	1 space per 600 square feet	
Retail	1 space per 600 square feet	
Restaurant	1 space per 600 square feet	
All other Commercial uses	1 space per 600 square feet	
On-street parking along a lot’s corresponding frontage lines shall be counted toward the parking requirement for mixed-use projects.		

15-2008 Required Parking, Other Districts

The required numbers of on-site parking spaces are stated in Table 15-2008, Required On-Site Parking Spaces, Other Districts. The parking requirement for any use not listed in Table 15-2008 shall be determined by the Director based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.

TABLE 15-2008: REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS		
Use Classification	Required Parking Spaces	
Residential Use Classifications		
Single-Unit Residential constructed prior to the adoption date of this Code	1 space per dwelling unit	One covered space.
Single-Unit Residential, up to two bedrooms	1 space per dwelling unit	Must be within a garage.
Single-Unit Residential, three or more bedrooms	2 spaces per dwelling unit	Must be within a garage.
Backyard Cottages, Second Dwelling Units, or Accessory Living Quarters	Refer to Section 15-2354, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters.	
Affordable Housing Developments (Moderate Income and Below) per the Government Code		
Studio, one- or two-bedroom	.75 space per unit	One covered space shall be designated for each unit.
Three or more bedrooms	1.5 spaces per unit	One additional uncovered guest parking space must be provided for every 4 units.
Multi-Unit Residential (2 or more units)		
Studio	1 space per unit	One covered space shall be designated for each unit. One additional uncovered guest parking space must be provided for every 4 units.
One- or two-bedroom	1 space per unit	One covered space shall be designated for each unit. One additional uncovered guest parking space must be provided for every 2 units.
Three or more bedrooms	1.5 spaces per unit	
Co-Living/Per bed leasing	1 per bedroom	
Small Family Day Care	None in addition to what is required for the residential use.	
Large Family Day Care	1 per employee plus an area for loading and unloading children, on or off-site. Required spaces and the residential driveway for the primary residential use may be counted toward meeting these requirements.	
Elderly and Long-Term Care	1 for every 7 residents plus 1 for each live-in caregiver. Facilities serving more than 15 residents shall also provide 1 space for each caregiver, employee, and doctor on-site at any one time.	
Group Residential	1 spaces for the owner-manager plus 1 for every 5 beds and 1 for each non-resident employee.	

TABLE 15-2008: REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS	
<i>Use Classification</i>	<i>Required Parking Spaces</i>
Residential Care, Limited	None in addition to what is required for the residential use.
Residential Care, General	2 spaces for the owner-manager plus 1 for every 5 beds and 1 for each non-resident employee.
Residential Care, Senior	1 for every 7 residents plus 1 for each live-in caregiver. Facilities serving more than 15 residents shall also provide 1 space for each caregiver, employee, and doctor on-site at any one time.
Single Room Occupancy	0.5 space per unit
Public and Semi-Public Use Classifications	
Colleges and Trade Schools, Public or Private	1 per 5 members of the school population (including students, faculty, and staff) based on maximum enrollment.
Community Assembly	1 for each 5 permanent seats in main assembly area, or 1 for every 50 sq. ft. of assembly area for group activities or where temporary or moveable seats are provided, whichever is greater. For auxiliary classrooms, there shall be 1 parking space per classroom.
Cultural Institutions	For movie theaters, theaters, and auditoriums: 1 for each 6 permanent seats in main assembly area, or 1 for every 60 sq. ft. of assembly area where temporary or moveable seats are provided, whichever is greater. Galleries, Libraries, and Museums: 1 for every 1,000 sq. ft. of floor area. Other establishments: determined by the Director.
Day Care Center	1 per employee plus additional parking as provided in the Pick-up/Drop-off Plan required pursuant to Section 15-2325, Day Care Centers and Large Family Day Care Homes
Emergency Shelter	1 per 500 sq. ft. of floor area.
Government Offices	1 per 500 sq. ft. of floor area.
Hospitals, Rehabilitation Centers	1 per 1.5 beds; plus 1 per 300 sq. ft. of area used for office, clinics, testing, research, administration, and similar activities associated with the principal use.
Clinics or Urgent Care	1 per exam room; plus 1 per 300 sq. ft. of area used for office, clinics, testing, research, administration, and similar activities associated with the principal use.
Instructional Services	1 per 200 sq. ft. of public or instruction area.
Schools, Public or Private	Elementary and Middle Schools: 1 per classroom, plus 1 per 300 sq. ft. of office area. High Schools: 5 per classroom.
Social Service Facilities	1 per 350 sq. ft. of floor area.
Commercial Use Classifications	
Adult-Oriented Business	1 per 300 sq. ft. of floor area
Animal Care, Sales and Services	
<i>Grooming and Pet Stores</i>	1 per 500 sq. ft. of floor area.
<i>Kennels</i>	1 per employee plus three spaces for loading and unloading animals on-site.

TABLE 15-2008: REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS	
<i>Use Classification</i>	<i>Required Parking Spaces</i>
<i>Veterinary Services</i>	1 per 350 sq. ft. of floor area.
Artist's Studio	1 per 1,000 sq. ft. of floor area.
Automobile/Vehicle Sales and Services	
<i>Automobile/Vehicle Rentals</i>	1 per 250 sq. ft. of office area in addition to spaces for all vehicles for rent.
<i>Automobile/Vehicle, and Motorcycle Sales and Leasing</i>	1 per 2,500 sq. ft. of lot area. Any accessory auto repair: 2 per service bay.
<i>Automobile/Vehicle Repair, Major or Minor</i>	1 space plus 1.5 per service bay. 1 per 250 sq. ft. of any retail or office on site.
<i>Automobile/Vehicle Washing, Automated</i>	1 per 250 sq. ft. of any indoor sales, office, or lounge areas.
<i>Automobile/Vehicle Washing, Detail</i>	.50 per service bay plus 1 per 250 sq. ft. of any indoor sales, office, or lounge areas.
<i>Service Station</i>	1.5 per service bay, if service bays are included on site. 1 per 250 sq. ft. of any retail or office on site.
<i>Boat/Recreational Vehicle Sales and Leasing</i>	1 per 6,000 sq. ft. of lot area. Any accessory auto repair: 1.5 per service bay.
Banks and Financial Institutions	1 per 400 sq. ft. of floor area.
Business Services	1 per 400 sq. ft. of floor area.
Commercial Recreation	Establishments with seating: 1 for each 4 fixed seats, or 1 for every 50 sq. ft. of seating area where temporary or moveable seats are provided, whichever is greater. Athletic Clubs / Fitness Centers: 1 per 200 sq. ft. of main floor area. Bowling Alleys: 1.5 per lane. Game Courts (e.g. tennis): 1.5 per court. Golf Courses: 3 per hole (Additional parking may be required for ancillary uses such as Banquet Rooms) Golf Driving Range/Putting Greens: .75 per station/hole. Parks: 1 per 7,500 sq. ft. of active recreational area (pocket parks are exempt from providing parking). Skating Rinks: 1 per 150 sq. ft. of gross floor area. Swimming Pools: 1 per 200 square feet of pool area plus 1 per 500 feet of area related to the pool. Other Commercial Entertainment and Recreation uses: 1 per every 3 persons permitted to occupy the floor space of the facility.
Eating and Drinking Establishments	
<i>Convenience</i>	1 per 125 sq. ft. of floor area.
<i>Coffee Shops / Cafes</i>	1 per 150 sq. ft. of floor area; For Outdoor Dining, refer to Section 15-2343, Outdoor Dining and Patio Areas.
<i>Restaurants Take-Out Only</i>	1 per 250 sq. ft. of floor area.
<i>Restaurants, Full Service</i>	1 per 150 sq. ft. of floor area; For Outdoor Dining, refer to Section 15-2342, Outdoor Dining and Patio Areas.
Bars/Nightclubs/Lounges	1 per 100 sq. ft. of floor area.

TABLE 15-2008: REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS	
<i>Use Classification</i>	<i>Required Parking Spaces</i>
Farmer's Markets	Refer to Section 15-2330, Farmer's Markets.
Food Preparation	1 per 1,500 sq. ft. of use area plus 1 per 300 sq. ft. of office area.
Funeral Parlors and Internment Services	1 for each 6 permanent seats in assembly areas or 1 for every 60 sq. ft. of assembly area where temporary or moveable seats are provided, whichever is greater, plus 1 per 250 sq. ft. of office area.
Meeting Rooms / Banquet Rooms	1 for each 5 permanent seats in main assembly area, or 1 for every 50 sq. ft. of assembly area for group activities or where temporary or moveable seats are provided, whichever is greater.
Lodging	
<i>Bed and Breakfast</i>	1 per room for rent plus 1 space adjacent to registration office.
<i>Hotels and Motels</i>	1 per each sleeping unit, plus 2 spaces adjacent to registration office. Meeting/banquet rooms or restaurants under 1,500 sq. ft. are not required to provide additional parking when located within a hotel. Additional parking is be required for ancillary uses, such as Meeting Rooms, Banquet Centers, etc. that exceed 1,500 sq. ft.
<i>Live-Work</i>	1 per unit or 1 for every 1,000 sq. ft. of floor area, whichever is greater.
Maintenance and Repair Services	1 per 600 sq. ft. of floor area, plus one space for each fleet vehicle.
Nurseries and Garden Centers	1 per 500 sq. ft. of floor area; plus 1 per 2,000 sq. ft. of outdoor display area.
Offices	
<i>Business and Professional</i>	1 per 400 sq. ft. of floor area up to 100,000 sq. ft. 1 per 350 sq. ft. over 100,000 sq. ft.
<i>Medical and Dental</i>	1 per 275 sq. ft. of floor area.
<i>Walk-In Clientele</i>	1 per 300 sq. ft. of floor area.
Personal Services	1 per 400 sq. ft. of floor area.
Retail Sales	
<i>Building Materials and Services</i>	1 per 650 sq. ft. of floor area; plus 1 per 2,000 sq. ft. of outdoor display area.
<i>All Other Retail Sales Subclassifications</i>	1 per 450 sq. ft. of floor area. 1 per 750 sq. ft. of floor area for appliance and furniture stores.
Swap Meet / Flea Market	1 per vendor, plus 5 per every 0.5 acre of gross outdoor use area.
Employment Use Classifications	
Construction and Materials Yards	1 per 2,500 sq. ft. up to 10,000 sq. ft. plus 1 per 5,000 sq. ft. over 10,000 sq. ft.
Industry, General	1 per 1,500 sq. ft. plus 1 per 300 sq. ft. of office.
Industry, Limited	1 per 1,500 sq. ft. plus 1 per 300 sq. ft. of office.
Recycling Facility	
<i>Collection Facility</i>	See Section 15-2350, Recycling Facilities.
<i>Intermediate Processing Facility</i>	1 for each 2 employees on the maximum work shift, or 1 per 1,000 sq. ft. of floor area, whichever is greater.

TABLE 15-2008: REQUIRED ON-SITE PARKING SPACES, OTHER DISTRICTS	
<i>Use Classification</i>	<i>Required Parking Spaces</i>
Research and Development	1 per 600 sq. ft. of manufacturing and assembly; 1 per 300 sq. ft. of office; 1 per 1,500 sq. ft. of warehousing; and 1 per 800 sq. ft. of laboratory.
Salvage and Wrecking	1 per 500 sq. ft. of building area plus 1 per 0.5 acre of gross outdoor use area.
Warehousing and Storage	
<i>Chemical, Mineral, and Explosives Storage</i>	1 per 300 sq. ft. of office area.
<i>Warehousing</i>	1 per 2,000 sq. ft. of area up to 10,000 sq. ft.; 1 per 5,000 sq. ft. over 10,000 sq. ft., plus 1 per 300 sq. ft. of office
<i>Personal Storage</i>	1 space per 100 storage units, plus 1 space per 300 sq. ft. of office area. A minimum of 3 spaces shall be provided, plus one enclosed space per caretaker's residence should one be proposed.
Wholesaling and Distribution	1 per 1,500 sq. ft. of use area up to 10,000 sq. ft., 1 per 5,000 sq. ft. over 10,000 sq. ft., plus 1 per 300 sq. ft. of office
Transportation, Communication, and Utilities Use Classifications	
Light Fleet-Based Services	1 per 300 sq. ft. of office floor area, plus one space for each fleet vehicle.
Utilities, Major	1 for each employee on the largest shift plus 1 for each vehicle used in connection with the use. Minimum of 2.
Utilities, Minor	None.
Transportation Facilities / Bus Depots / Bus Terminal	1 per bus bay, plus 1 per 250 sq. ft. of building/waiting area.

15-2009 Maximum Number of Spaces Allowed

The maximum number of on-site vehicle parking spaces shall be as follows for Commercial Shopping Centers or large-format stores. The area excludes outdoor dining areas, patios, and/or outdoor display areas.

- A. **Less than 60,000 sq. ft.:** Shall not provide more than 130 percent of the required number of parking spaces
- B. **60,000 sq. ft. or greater:** Shall not provide more than 110 percent of the required number of parking spaces.

15-2010 Calculation of Required Spaces

The number of required parking spaces shall be calculated according to the following rules:

- A. **Fractions.** If the calculation of required parking or loading spaces results in the requirement of a fractional space, such fraction, if the fraction is less than one-half (0.5), it shall result in no additional spaces; if one-half (0.5) or greater, shall be considered one additional space.

- B. **Floor Area.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated.
- C. **Employees.** Where an on-site parking or loading requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.
- D. **Bedrooms.** Where an on-site parking requirement is stated as a ratio of parking spaces to bedrooms, any rooms having the potential of being a bedroom or meeting the standards of the California Building Code as a sleeping room shall be counted as a bedroom. Offices or other rooms that have the ability of being converted into bedrooms shall be considered bedrooms for parking purposes.
- E. **Students or Clients.** Where a parking or loading requirement is stated as a ratio of parking spaces to students (including children in day care), the number is assumed to be the number of students or clients at the state-certified capacity or at Building Code Occupancy where no state-certification is required.
- F. **Seats.** Where parking requirements are stated as a ratio of parking spaces to seats, each 24 inches of bench-type seating at maximum seating capacity is counted as one seat.
- G. **Sites with Multiple Uses.** If more than one use is located on a site, the number of required on-site parking spaces and loading spaces shall be equal to the sum of the requirements calculated separately for each use unless a reduction is approved pursuant to Section 15-2012, Parking Reductions.
- H. **Queuing Area.** The number of parking spaces required by Tables 15-2007 and 15-2008 does not include queuing space that may be required for vehicles and customers waiting in vehicles for service pump stations, drive-throughs, auto service bays, or similar uses.
- I. **Gas Stations.** Parking spaces providing for fueling stations shall not count towards meeting parking standards per Tables 15-2007 and 15-2008.

15-2011 Parking Exceptions

- A. **Buildings Constructed Prior to February 13, 1954.** The parking area or space requirements imposed by the provisions of this Code shall not apply upon a Change of Occupancy, as defined by the Uniform Building Code, or the building code in affect at the time of the permit, for any building or structure which was constructed prior to February 13, 1954.
- B. **30-Year-Old or Older Buildings.** The parking area or space requirements imposed by the provisions of this Code shall not apply upon a Change of Occupancy, as defined by the Uniform Building Code, or the building code in affect at the time of the permit, for any building or structure which is older than 30 years old, provided:
 - 1. The parking area or space is not reduced; and
 - 2. The new use does not involve:
 - a. Convenience Stores that are 3,000 square feet or less with off-site alcohol sales;
 - b. Schools (K-12; private or public);
 - c. Drive-through restaurants;

- d. Banquet Halls and Religious Institutions with direct access to local street(s); or
 - e. Auto-related uses.
- C. **Building Expansions.** Buildings constructed prior to Subsections A and B above may be expanded. Parking for the expanded area shall be provided per Tables 15-2007 and 15-2008. Buildings constructed prior to this date may not be altered when it would result in additional dwelling units without providing parking for the additional dwellings.
- D. **Small Commercial Uses Exempt.** The following commercial uses are not required to provide on-site parking when they contain less than 1,000 square feet of floor area: Retail Sales (except off-site alcohol sales), Personal Services, Eating and Drinking Establishments, Food and Beverage Retail Sales, Offices: Walk-in Clientele, and Banks and Financial Institutions. However, when two or more such establishments are located on a single lot or a shopping center, their floor areas shall be aggregated with all other establishments located on the lot in order to determine required parking.

15-2012 Parking Reductions

The number of on-site parking spaces required by Sections 15-2007 and 15-2008, may be reduced as follow:

- A. **Transit Accessibility.** For any land use except residential single-unit, duplex and triplex development, if any portion of the lot is located within $\frac{1}{4}$ mile of a transit stop with a 15 minute or more frequent service during the hours of 7 a.m. to 9 a.m. and 5 p.m. and 7 p.m., the number of required parking spaces may be reduced by 30 percent of the normally required number of spaces. This parking reduction does not apply in the Mixed-Use districts or the CMS District because parking requirements for these districts already reflects transit accessibility.
- B. **Shared Parking.** Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced up to 50 percent at the discretion of the Director, if all of the following findings are made:
 - 1. The peak hours of uses will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
 - 2. The adequacy of proposed shared parking provided will equal or exceed the level that can be expected if parking for each use were provided separately;
 - 3. A parking demand study prepared by an independent traffic engineering professional approved by the City supports the proposed reduction; and,
 - 4. When a shared parking facility serves more than one property, a parking agreement shall be prepared consistent with the provisions of Section 15-2013-D, Off-Site Parking Facilities for Nonresidential Uses.
- C. **Other Parking Reductions.** Required parking for any use may be reduced up to 20 percent through Commission approval of a Conditional Use Permit, however the 20 percent reduction may not be made in addition to any reductions for A) Shared Parking, or B) Transit Accessibility.

1. ***Criteria for Approval.*** The Commission may only approve a Conditional Use Permit for reduced parking if it finds that:
 - a. The site is fully developed and it would be infeasible or impractical to provide additional parking;
 - b. Special conditions—including but not limited to the nature of the proposed operation; proximity to frequent transit service; transportation characteristics of persons residing, working, or visiting the site;
 - c. The use will adequately be served by the proposed on-site parking; and
 - d. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area.
2. ***Parking Demand Study.*** In order to evaluate a proposed project's compliance with the above criteria, a parking demand study shall be prepared by an independent traffic engineering professional approved by the City that substantiates the basis for granting a reduced number of spaces and includes any of the following information:
 - a. Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use.
 - b. A survey of existing accessibility via a defined pedestrian path (i.e., sidewalk) to on-street parking within 350 feet of the project site.
 - c. Parking requirements for the net change in square footage and/or change in use, based on the requirements of Sections 15-2007 and 15-2008.
 - d. Estimated net change in parking demand between existing and proposed development, using any available existing parking generation studies from the Institute for Transportation Engineers (ITE) or other sources. If appropriate parking demand studies are not available, the City may require the applicant to conduct a parking demand survey of a development similar to the proposed project.
 - e. Comparison of proposed parking supply with parking requirements and net change in parking demand.
 - f. A shared parking analysis, as appropriate.
 - g. A description of possible Transportation Demand Management measures, such as preferential carpool spaces; telecommuting or staggered work shifts; provision of transit passes or other transit incentives for residents, employees, and/or students; incorporation of spaces for car share vehicles, bicycles, or other measures that could result in reduced parking demand.
 - h. Other information as required by the City.

15-2013 Location of Required Parking

- A. **Located on same parcel.** Required parking shall be located on the same parcel as the uses served, unless otherwise provided by this article.
- B. **Front and street side setbacks.** No parking spaces shall be located within the front and street side setback areas. In single family districts it is appropriate to park vehicles on driveways, however this parking shall not count towards meeting the required parking.
- C. **Residential Districts.**
 - 1. ***Single-Unit Dwellings, Duplexes, Triplexes, and Second Units.*** Required parking for a Single-Unit Dwelling, Duplex, Triplexes, or Second Units shall be located on the same lot as the dwelling(s) served. Parking shall not be located within required setbacks with the exception of the rear yard. Tandem parking may be permitted if authorized by this article.
 - 2. ***Other Residential Uses.*** Required parking for residential uses other than Single-Unit Dwellings, Duplexes, and Triplexes shall be on the same lot as the dwelling or use they serve or in an off-site facility as provided in Subsection C. Parking shall not be located within a required front or street-facing side yard.
- D. **Off-Site Parking Facilities for Nonresidential Uses.** Parking facilities for uses other than residential uses, sans mixed-use projects, may be provided off-site with approval of a Conditional Use Permit if:
 - 1. The proposed off-street parking is proposed in a district that permits the proposed use that the parking is serving. A parcel may not house parking for a use that is not permitted on the site;
 - 2. The site is located within 400 feet of the site;
 - 3. The site is along an improved pedestrian route, of the principal entrance containing the use(s) for which the parking is required;
 - 4. On the same side of the street, across an alley, or across a local street; and
 - 5. There is a written agreement between the landowner(s) and the City in the form of a covenant guaranteeing among the landowner(s) for access to and use of the parking facility and that the spaces will be maintained and reserved for the uses served for as long as such uses are in operation.

15-2014 Parking Availability

- A. **Accessible Parking.** Where parking is provided for the public as clients, guests, or employees, it shall include parking accessible to handicapped or disabled persons in accordance with the standards in Chapter 71, "Site Development Requirements for Handicapped Accessibility" of Title 24 of the California Code of Regulations.
- B. **Parking to be Unrestricted.**

1. Parking required by this article shall be available to the public without charge. A fee for parking may only be charged for spaces that exceed the minimum requirements of this article.
 2. ***Residential Parking.*** Where this Article requires communal parking areas in residential areas, said parking spaces shall not be restricted to individual units.
- C. **Access to adjacent sites.** Applicants are encouraged to provide shared vehicle and pedestrian access between adjacent properties for convenience, safety, and efficient circulation. A joint access covenant shall be required.

15-2015 Parking Area Design and Development Standards

All parking areas except those used exclusively for Stacked Parking, shall be designed and developed consistent with the following standards.

- A. **Automated Parking Garages.** Permitted in any district.
- B. **Electric Vehicle (EV) Parking**
1. ***Residential Districts.*** Per the California Building Code.
 2. ***Office and Commercial Districts.***
 - a. *For Parking Lots with Less than 250 Spaces.* Refer to the California Building Code.
 - b. *For Parking Lots with 250 Spaces or More.*
 - i. There shall be one vehicle charging station for every 250 spaces.
 - ii. At least one space shall be 15 feet in width.
 - iii. Signage shall clearly state that spaces are to be used for actively charging vehicles only.
- C. **Motorcycle Parking.** Motorcycle parking may substitute for up to five percent of required automobile parking. Each motorcycle space must be at least 4 feet wide and 7 feet deep.
- D. **Tandem Parking.** Tandem parking may be permitted to satisfy the off-street parking requirement in accordance with the following:
1. No more than two vehicles shall be placed one behind the other;
 2. Both spaces shall be assigned to a single dwelling unit;
 3. Both spaces shall be assigned as employee only parking for a non-residential establishment. Tandem parking under this scenario shall be for the same establishment;
 4. Tandem parking to meet required parking for a multiple family development shall be located within an enclosed structure or a parking structure and the number of tandem parking spaces shall not exceed 50 percent of the total number of spaces;

5. Tandem parking shall not be used to satisfy the parking requirement for guest parking; and,
 6. Tandem parking to meet required parking for non-residential uses may be used for employee parking and the number of tandem parking spaces shall not exceed 25 percent of the total number of spaces.
- E. **Stacked Parking.** Stacked or valet parking is allowed for non-residential uses if an attendant is present to move vehicles. If stacked parking managed by an attendant is used for required parking spaces, the property owner shall enter into an agreement in the form of a covenant with the City ensuring that an attendant will always be present when the lot is in operation. Stacked parking shall not account for more than 50 percent of the required parking.

15-2016 Driveways

Driveways providing site access shall be from an improved street, alley, or other public and/or private right-of-way, and shall be designed, constructed, and properly maintained per the standards below.

A. **Number of Driveways.**

1. Up to 2 driveways shall be allowed for each parcel 2 acres or more in size unless the City Engineer determines that more than 2 driveways are required to accommodate traffic volumes on specific projects. Additional driveways shall not be allowed if it is determined to be detrimental to traffic flow on the adjacent street(s).
2. Whenever a property has access to more than one street, access shall be generally limited to the lowest volume street where the impact of a new access will be minimized, unless otherwise approved by the City Engineer.
3. Access to Major Streets shall be spaced to provide for reasonable access to properties while maximizing traffic safety and traffic flow. Emphasis should be placed on maximizing on-site reciprocal access and minimizing the number of street access points.
4. Access spacing and control requirements shall be determined by the City Engineer.

B. **Distance From Street Corners.** As determined by the City Engineer.

C. **Driveway Widths and Lengths.**

1. ***All Driveways.*** If designated as a Fire Lane, the minimum width shall be 20 feet, unless a greater width is required by the Fire Chief.
2. ***Residential Driveway Width.*** As determined by the City Engineer and the Fire Chief.
3. ***Commercial and Industrial Driveway Width.*** As determined by the City Engineer and the Fire Chief.

15-2017 Parking Lot Access

- A. New Commercial and Office development shall provide shared vehicle and pedestrian access to adjacent non-residential properties for convenience, safety, and efficient circulation, regardless if the properties are held in joint ownership. A joint access agreement in the form of a covenant shall be recorded ensuring that access will be maintained.

1. **Exception.** If either site is developed and there is no feasible location to gain access, the Director may waive this condition, however the removal of excess parking may not be considered a barrier to gaining access.
- B. **Forward Entry.** Parking lots shall be provided with suitable maneuvering room so that all vehicles therein may enter an abutting street in a forward direction.
- C. **Residential Driveway Length.** Driveways providing direct access from a public street to a garage or carport shall be at least 20 feet in depth.
- D. **Distance from Driveways on Local Streets.** Parking spaces shall not be located within 20 feet of an access driveway, measured from the property line.
- E. **Distance from Driveways on Major Streets.** Parking spaces and drive aisles shall be configured in such a way as to promote smooth flow of traffic onto the site from adjacent streets. The length of driveways or “throat length” shall be designed to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. Entrance designs shall be subject to approval by the City Engineer.
- F. **Commercial Developments that Exceed 10 Acres.** Drive entrances to centers that are 10 acres or larger shall generally provide a driveway length of 100 feet prior to the first parking stall.
- G. **Alleys.** For Nonresidential access, parking spaces shall provide a backup area of 27 feet. For Residential Districts, refer to Section 15-1604, Accessory Buildings and Structures.
- H. **Size of Parking Spaces and Maneuvering Aisles.** Parking spaces and maneuvering aisles shall meet the minimum dimensions as may be established by the Public Works Director.
- I. **Parking Spaces Abutting a Wall or Fence.** Each parking space adjoining a wall, fence, column, or other obstruction higher than 0.5 feet shall be increased by 2 feet on each obstructed side, provided that the increase may be reduced by 0.25 feet for each one foot of unobstructed distance from the edge of a required aisle, measured parallel to the depth of the parking space.
- J. **Minimum Dimensions for Residential Garages and Carports.** Garages and carports serving residential uses shall be constructed to meet the following minimum inside dimensions.
 1. A single car garage or carport shall have a minimum inside dimension of 10 feet in width by 20 feet in length.
 2. A two-car garage or carport shall have minimum inside dimension of 20 feet in width by 20 feet in length.
 3. A garage or carport containing three or more spaces shall have a minimum inside dimension of nine feet in width by 19 feet in length per space.
 4. The vertical clearance for garage or carport parking spaces shall not be less than seven feet six inches.
 5. Stairs may encroach in the parking area of a garage provided that the front end of the average automobile can fit under the stair projection. The bottom of the stairwell (including exterior finish) should be a minimum of five feet above the garage floor.

6. For the purpose of determining the existing number of garage spaces for an existing dwelling unit the following dimensions shall apply:
 - a. An existing garage with minimum interior dimensions of 8.5 feet in width and 18 feet in length shall qualify as one existing enclosed parking space.
 - b. An existing garage with minimum interior dimensions of 17 feet in width and 18 feet in length shall qualify as two existing enclosed parking spaces.
 - c. If the minimum interior dimensions of an existing garage parking space exceed the minimum dimensions in this subsection, the existing enclosed space dimensions shall be maintained.

15-2018 Parking Lot Surface, Striping, and Curbs

- A. **Parking Lot Striping.** All parking stalls shall be clearly outlined with striping, and all aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines as necessary to provide for safe traffic movement.
- B. **Wheel Stops.** Concrete bumper guards or wheel stops shall be provided for all unenclosed parking spaces on a site with four or more unenclosed parking spaces. A 6 inch high concrete curb surrounding a landscape area at least 6 feet wide may be used as a wheel stop, provided that the overhang will not damage or interfere with plant growth or its irrigation. A concrete sidewalk may be used as a wheel stop if the overhang will not reduce the minimum required walkway width.
- C. **Surfacing.** All parking areas shall be graded, paved, and improved and all sites shall be properly drained and subject to the approval of the City Engineer. No unpaved area shall be used for parking unless used as Temporary Parking per Section 15-2360.
 1. **Cross-Grades.** Cross-grades shall be designed for slower stormwater flow and to direct stormwater toward landscaping, bio-retention areas, or other water collection/treatment areas.
 2. **Landscaping Alternative.** Up to two feet of the front of a parking space as measured from a line parallel to the direction of the bumper of a vehicle using the space may be landscaped with ground cover plants instead of paving.
 3. **Permeable Paving.** Permeable paving may be used in all overflow parking areas and emergency access-only drives if approved by the Public Works Director.
 4. **Turf Grids / Grassy Pavers.** Turf grids / grassy pavers may be installed in areas of low traffic or infrequent use, such as emergency vehicles if approved by the Fire Department and the Public Works Director.
- D. **Perimeter Curbing.** A 6 inch wide and 6 inch high concrete curb shall be provided along the outer edge of the parking facility pavement, except where said pavement abuts a fence or wall. Curbs separating landscaped areas from parking areas may need to be designed to allow stormwater runoff to pass through.
- E. **Separation from On-Site Buildings.** Parking areas shall be separated from the front and side exterior walls of on-site buildings per Public Works Standards.

15-2019 Parking Lot Lighting

- A. **Lighting.** Parking areas designed to accommodate four or more vehicles shall be provided with light over the parking surface.
 - 1. Lighting design shall be coordinated with the landscape plan to ensure that vegetation growth will not substantially impair the intended illumination.
 - 2. Parking lot lighting shall, to the maximum extent feasible, be designed and installed so that light and glare is not directed onto residential use areas or adjacent public rights-of-way, consistent with Article 21, Performance Standards.

15-2020 Parking Lot Landscaping

- A. **Heat Island Reduction.** A heat island is the increase in ambient temperature that occurs over large paved areas compared to natural landscape. In order to reduce ambient surface temperatures in parking areas, at least 50 percent of the areas not landscaped shall be shaded, of light colored materials with a Solar Reflectance Index (SRI) of at least 29, or a combination of shading and light colored materials.
- B. **Landscaping.** Landscaping of parking areas shall be provided and maintained according to the general standards of Article 19, Landscape, as well as the standards of this subsection.
- C. **Perimeter parking lot landscaping.** The following shall apply to Multiple Family, Mixed-use, Office and Commercial developments.
 - 1. **Layout.** Landscaped areas shall be well-distributed throughout the parking lot area. Parking lot landscaping may be provided in any combination of:
 - a. A minimum of 10 percent of any parking lot area shall be landscaped. For the purpose of calculating required parking lot landscaping, parking lot areas are deemed to include parking and loading spaces as well as aisles, vehicle entry and exit areas, and any adjacent paved areas. Parking lot area does not include enclosed vehicle storage areas.
 - b. Landscaped planting strips between parking areas and adjacent buildings or internal pedestrian walkways;
 - c. On-site landscaping at the parking lot perimeter.
 - 2. **Adjacent to Streets.** Parking areas adjoining a public street shall be designed to provide a landscaped planting strip equivalent to the required setback for the subject zoning district.
 - a. Landscaping shall be designed and maintained to screen cars from view from the street to a height of between 24 and 36 inches.
 - b. Screening materials may include a combination of plant materials, earth berms, solid masonry walls, raised planters, or other screening devices that meet the intent of this requirement.

- c. Trees shall be provided at a rate of at least one for every 20 lineal feet of landscaped area. A lower ratio of tree planting may be approved by the Director when larger species of trees are used.
 - d. Plant materials, signs, or structures within a traffic safety sight area of a driveway shall not exceed 36 inches in height.
- 3. **Adjacent to Other Uses.** Refer to the underlying Zone District and Section 15-1904-C Lot Perimeters landscape buffer requirements.
- 4. **End of Row Islands.** A landscaped island at least six feet in all interior dimensions and containing at least one 15-gallon-size tree shall be provided at each end of each interior row of parking stalls and dispersed throughout the parking lot to achieve 50 percent parking lot shading within 15 years.
- 5. **Planters Required.** Trees shall be in planters located throughout the parking area. In order to be considered within the parking area, trees shall be located in planters. Planters shall have a minimum interior dimension of five feet and be of sufficient size to accommodate tree growth. All ends of parking lanes shall have landscaped islands.
- 6. **Landscaped Buffer.** When four or more parking spaces are provided, a landscaped area at least five feet wide shall be provided between any surface parking area and any property line for the length of the parking area, unless a different dimension is specified in the base district standards applicable to a site or in Section 15-1904-C, Lot Perimeters landscape buffer requirements.
- 7. **Larger Projects (100 Stalls or More).** Large projects shall provide a concentration of landscape elements at main entrances, including specimen trees (e.g., 24 inch, 36 inch and 48 inch box), flowering plants, enhanced paving, and project identification.

15-2021 Number of Trees Required in Parking Lot

Trees required for parking lots are in addition to trees required elsewhere on the site as prescribed in other sections of this Code.

A. Number of Trees in Residential Districts.

- 1. ***Multiple-Family Residential.*** Provide one tree for each parking space.

B. Number of Trees in Mixed-Use and Nonresidential Districts.

- 1. ***Shading Required.*** Provide one tree for each two parking spaces, unless it can be demonstrated to the satisfaction of the Review Authority that less trees can be provided and 50 percent parking lot shading would still be met.
- 2. Shade may be provided by canopies, shade structures, trees, or other equivalent mechanism. If shade is provided by trees, the amount of required shading is to be reached within 15 years.
- 3. ***Distribution.*** Trees shall be distributed relatively evenly throughout the parking area.
- 4. ***Species.*** Required trees for parking lots shall be selected from a list maintained by the City.

5. **Size.** All trees shall be a minimum 15-gallon size with a one-inch diameter as measured 48 inches above natural grade.

C. **Protection of Vegetation.**

1. **Clearance from Vehicles.** All required landscaped areas shall be designed so that plant materials, at maturity, are protected from vehicle damage by providing a minimum two-foot clearance of low-growing plants where a vehicle overhang is permitted, or by wheel stops set a minimum of two feet from the back of the curb.
2. **Planters.** All required parking lot landscaping shall be within planters bounded by a concrete curb at least six inches wide and six inches high. Curbs separating landscaped areas from parking areas shall be designed to allow storm-water runoff to pass through.

15-2022 Circulation and Safety

- A. **Visibility and Clearance.** Landscaping in planters at the end of parking aisles shall be maintained as to not impair the sight line of drivers and pedestrian cross-traffic. Mature trees shall have a foliage clearance maintained at eight feet from the surface of the parking area. Other plant materials located in the interior of a parking lot shall not exceed 30 inches in height.
- B. Parking lots shall be designed so that sanitation, emergency, and other public service vehicles can provide service without backing unreasonable distances or making other dangerous or hazardous turning movements, as determined by the Review Authority.
- C. Separate vehicular and pedestrian circulation systems shall be provided where possible and where the following occurs:
 1. Multi-unit residential developments of five or more units must provide pedestrian access that is separate and distinct from driveways.
 2. Parking areas for commercial and mixed-use developments that provide 25 or more parking spaces must have distinct and dedicated pedestrian access from the commercial use to parking areas and public sidewalks, according to the following standards:
 - a. **Connection to Public Sidewalk.** An on-site walkway shall connect the main building entry to a public sidewalk on each street frontage. Such walkway shall be the shortest practical distance between the main building entry and sidewalk, generally no more than 125 percent of the straight-line distance.
 - b. **Materials and Width.** Walkways shall provide at least five feet of unobstructed width and be hard-surfaced.
 - c. **Identification.** Pedestrian walkways shall be clearly differentiated from driveways, parking aisles, and parking and loading spaces through the use of elevation changes, a different paving material, or similar method.
 - d. **Separation.** Where a pedestrian walkway is parallel and adjacent to an auto travel lane, it must be raised or be of a different material, and separated from the auto travel lane by a raised curb at least four inches high, bollards, or other physical barrier.

15-2023 Solar Panels on Carports

For parking lots that provide solar panels on carports, the number of required trees may be reduced for those stalls that provide solar panels. If a carport does not provide solar panels, trees shall still be required.

15-2024 Parking Garages

- A. **Step-Back Provisions.** A parking garage that does not incorporate ground-floor non-residential or residential use or is not otherwise screened or concealed at street frontages on the ground level, must provide a landscaped area at least 15 feet wide between the parking garage and public street and shall set back an additional two feet for every story above two. If there is another building between the parking garage and the public street, this subsection shall not apply.
- B. **Rooftop Planting.** Uncovered parking on the top level of a parking structure shall have rooftop planters with a minimum dimension of 24 inches around the perimeter of the top floor which is visible from a public street. Shrubs shall be visible.

15-2025 Alternative Parking Area Designs

Where an applicant can demonstrate to the satisfaction of the Director that variations in the dimensions otherwise required by this section are warranted in order to achieve to environmental design and green building objectives, including, but not limited to, achieving certification under the LEED™ Green Building Rating System, an alternative parking area design may be approved.

15-2026 Parking In-Lieu Fee

If a parking assessment district is established, a fee may be paid to the City in-lieu of providing required parking within the district. The assessment district would determine fees, timing, fund appropriations, etc.

15-2027 Shopping Cart Collection Areas

When there are businesses that utilize shopping carts, including grocery and home improvement stores, shopping cart storage areas shall be provided throughout the parking lots. Stores that do not allow shopping carts to be taken out of the store are excepted. Shopping cart collection areas shall comply with the following:

- A. Collection areas shall consist of a corral surrounded by a six inch concrete curb to prevent carts from straying into pedestrian and automobile paths;
- B. Highly visible signage shall be provided to mark a collection area's location; and
- C. Collection areas shall be distributed throughout the parking lot.
- D. Additional collection areas shall be provided proximate to the store and shall be screened with a four foot wall.

15-2028 Bicycle Parking

- A. **Short-Term Bicycle Parking.** Short-term bicycle parking shall be provided in order to serve shoppers, customers, messengers, guests, and other visitors to a site who generally stay for two hours or less.
1. ***Requirement Thresholds.*** Short-term parking shall be provided when any of the following occur:
 - a. New development;
 - b. The demolition and reconstruction of a site;
 - c. A new building on a developed site when the new building is more than 300 square feet. The 300 square feet shall be cumulative from the date of adoption of this Code;
 - d. Building additions to existing buildings that expand the existing habitable floor area by at least 20 percent, or 2,500 square feet, whichever is less, not including Single Unit Dwellings or Duplexes. The addition and/or expansion shall be cumulative from the date of adoption of this Code;
 - e. There is an addition of 10 vehicle parking stalls or more;
 - f. A Discretionary Permit is required;
 - g. There is a Change in Occupancy as defined by the Building Code; or,
 - h. If required per California Green Building Standards Code, as may be amended.
 2. ***Number of Spaces Required.*** Refer to Table 15-2028-D.
 3. ***Location.***
 - a. Short-term bicycle parking shall be located outside of the public right-of-way and walkways and as close to the primary entrance as vehicle parking, excepting Accessible Parking stalls, or within 35 feet of a main entrance to the building it serves, whichever is closer.
 - b. *Existing Commercial Centers/Multiple Tenants.* In centers with multiple tenants, bicycle parking where bicycle parking is required because of a discretionary permit request or a Change in Occupancy, the number of stalls shall be determined by the need of the subject tenant space. Parking shall be conspicuously located and shall be visible from the tenant.
 - c. *New Commercial Centers/Multiple Tenants.* In centers with multiple tenants, bicycle parking shall be distributed throughout the center. Parking shall be conspicuously located and shall be visible from tenant spaces. While bicycle parking cannot always be within 35 feet of all tenants, it shall be located as to minimize the distance to tenant spaces to the greatest extent feasible. Satellite pads shall provide separate bicycle parking if necessary.
 - d. *Mixed-Use Districts or Buildings Built Proximate to the Front Property Line.* Bicycle parking may be located within the public right-of-way with approval from the

Public Works Department, provided an unobstructed sidewalk width clearance of six feet is maintained for pedestrians.

4. ***Vehicle Parking Reduction.*** In an existing development a bicycle parking corral may replace existing vehicle parking stalls. Should a bicycle corral cause a reduction in the number of vehicle parking spaces to less than what is prescribed in this Code, an exemption (i.e., Variance or Deviation) for the reduced vehicle parking shall not be required. This reduction shall not exceed 3 vehicle parking stalls for centers less than 10 acres in area, and six for centers greater than 10 acres.
 5. ***Anchoring and Security.***
 - a. For each parking space required, a stationary, securely anchored object shall be provided to which at minimum a bicycle frame and one wheel can be secured if both wheels are left on the bicycle.
 - b. Racks shall be provided per the City's qualified product list.
 6. ***Size and Accessibility.***
 - a. Each short-term bicycle parking space shall be a minimum of 30 inches in width and 8 feet in length and shall be accessible without moving another bicycle.
 - b. Overhead clearance shall be a minimum of seven feet.
 - c. At least 30 inches of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least 5 feet from vehicle parking spaces to allow for the maneuvering of bikes.
 - d. ***Multiple Rows.*** A minimum five foot aisle between each row of bicycle parking shall be provided for bicycle maneuvering beside or between each row, when multiple rows are proposed.
- B. **Long-Term Bicycle Parking.** Long-term bicycle parking shall be provided in order to serve employees, students, residents, commuters, and others who generally stay at a site for longer than two hours.
1. ***Requirement Thresholds.*** Long-Term Bicycle Parking shall be provided when any of the following occur:
 - a. When required per California Green Building Standards Code, as may be amended.
 2. ***Number of Spaces Required.*** Refer to Table 15-2028-D.
 3. ***Location.***
 - a. Long-term bicycle parking must be located on the same lot as the use it serves, unless an alternative agreement is approved to the satisfaction of the Director. The signed statement shall be in the form of a covenant prepared by the City, and shall be recorded with the County Recorder.
 - b. In parking garages, long-term bicycle parking shall be proximate to the entrance of the garage.

4. **Covered Stalls.** Covered stalls shall be:
 - a. Inside buildings, in a bike room or clearly designated area;
 - b. Under roof overhangs or awnings;
 - c. In bicycle lockers; or
 - d. Within or under other structures.
 5. **Anchoring and Security.** Long-term bicycle parking must be in:
 - a. A permanently anchored rack or stand inside a building. Racks shall be either an inverted “U”, a bike hitch, a swerve rack, or per the City’s qualified product list. Racks may serve multiple bicycle parking spaces;
 - b. An enclosed permanently anchored bicycle locker; or
 - c. A fenced, covered, locked, or guarded bicycle storage area or room.
 6. **Size and Accessibility.** Each bicycle parking space shall be a minimum of 30 inches in width and 6 feet in length and shall be accessible without moving another bicycle. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, poles, landscaping, street furniture, drive aisles, and pedestrian ways and at least five feet from vehicle parking spaces.
 7. **Vehicle Parking Reduction.** Should an applicant seek to install bicycle lockers for an existing development, they may reduce vehicle parking to less than the prescribed number in this Code to accommodate bicycle lockers. Should the bicycle lockers cause a reduction in vehicle parking spaces to less than what is prescribed in this Code, an exemption (i.e., Variance or Deviation) for the vehicle parking shall not be required.
- C. **Showers and Changing Rooms.** Showers and Changing Room(s) for employees that engage in active modes of transportation are required per the following standards.
1. **Requirement Thresholds.** New office development greater than 20,000 square feet. The 20,000 square foot minimum applies to single buildings.
 2. **Number of Showers Required.** Refer to Table 15-2028-C(2).

TABLE 15-2028-C(2): EMPLOYEE SHOWERS REQUIRED FOR NEW CONSTRUCTION	
<i>Land Use Classification</i>	<i>Showers and Changing Rooms Required</i>
Office	Less than 20,000 sq. ft.: None More than 20,000 sq. ft.: 1

D. **Number of Spaces Required.**

The following table identifies the number of short-term and long-term bicycle parking stalls required per use.

TABLE 15-2028-D: REQUIRED ON-SITE BICYCLE PARKING SPACES		
<i>Land Use Classification</i>	<i>Short-Term Spaces</i>	<i>Long-Term Spaces</i>
Residential Use Classifications		
Multiple Family (more than 15 units)	None	1 per 15 units. Not required if units provide individual garages
Group Living (dormitory/student housing)	None	1 per 4 residents. Not required if units provide individual garages
Public and Semi-Public Use Classifications		
Schools (e.g., public, private, charter)	Per the California Green Building Standards	Per the California Green Building Standards Code
Colleges and Trade Schools, Public or Private (excluding dormitories, see above)	1 per 10,000 sq. ft. of building area	1 per 20,000 square feet of building area
Community Assembly & Cultural Institutions	2 per 3,000 sq. ft. of assembly area Or Per the California Green Building Standards Code, whichever is greater	Per the California Green Building Standards Code
Stadiums	Per the California Green Building Standards Code	Per the California Green Building Standards
Parks and Open Space (excluding pocket parks)	Per project review	None
Commercial Use Classifications		
Retail Sales and Service	2, or 1 per 10,000 sq. ft. of net building area whichever is greater Or Per the California Green Building Standards, whichever is greater	Per the California Green Building Standards Code
Office	2, or 1 per 25,000 sq. ft. of net building area whichever is greater Or Per the California Green Building Standards Code, whichever is greater	Per the California Green Building Standards
Hotels/Motels	Per the California Green Building Standards Code	Per the California Green Building Standards Code
Parking Structures	None	1 space per 75 vehicle spaces
Employment Use Classifications		
Manufacturing and Production	Per the California Green Building Standards Code	Per the California Green Building Standards Code

TABLE 15-2028-D: REQUIRED ON-SITE BICYCLE PARKING SPACES		
<i>Land Use Classification</i>	<i>Short-Term Spaces</i>	<i>Long-Term Spaces</i>
Warehousing and Storage	Per the California Green Building Standards Code	Per the California Green Building Standards Code
Personal Storage	None	None

15-2029 On-Site Loading

- A. **Applicability.** Loading spaces are required when a building is to be occupied by a manufacturing establishment, storage facility, warehouse facility, retail store, eating and drinking, wholesale store, market, hotel, hospital, mortuary, laundry, dry-cleaning establishment, or other use similarly requiring the receipt or distribution by vehicles or trucks of material or merchandise per Table 15-2029-A when any of the following are met:
1. Every new building;
 2. When a building is enlarged by 20 percent or more or 2,500 square feet, whichever is less. This standard shall be cumulative from the date of adoption of this Code;
 3. There is a Change of Occupancy as defined by the Building Code;
- B. **Multi-Tenant Buildings.** The square footage of the entire building shall be used in determining spaces for multi-tenant buildings. A common loading area may be required, if each tenant space is not provided a loading area. Drive-in, roll-up doors for multi-tenant industrial projects may be substituted for required loading areas.
- C. **Reduction in Number of Loading Spaces Required.** The loading space requirement may be waived if the Director finds that the applicant has satisfactorily demonstrated that due to the nature of the proposed use, such loading space will not be needed.
- D. **Additional Loading Spaces Required.** The required number of loading spaces may be increased to ensure that trucks will not be loaded, unloaded, or stored on public streets. Such requirement shall be based on the anticipated frequency of truck pickups and deliveries and of the truck storage requirements of the use for which the on-site loading spaces are required.

TABLE 15-2029-A: REQUIRED LOADING SPACES	
<i>Square Footage</i>	<i>Required Loading Spaces</i>
0 – 6,999	0
7,000 – 40,000	1
40,001 – 90,000	2
90,001 – 150,000	3
150,001 – 230,000	4
230,001 +	1 per each additional 100,000 square feet or portion thereof.

- E. **Location.**
1. All required loading berths shall be located on the same site as the use served.

2. No loading berth for vehicles over two-ton capacity shall be closer than 50 feet to any property in a Residential District unless completely enclosed by building walls, or a uniformly solid fence or wall, or any combination thereof, not less than 10 feet in height.
 3. No permitted or required loading berth shall be located within 25 feet of the nearest point of any street intersection.
- F. **Access.** When the lot upon which the loading spaces are located abuts any alley, such loading space shall adjoin or have access from said alley.
- G. **Dimensions.** Loading spaces shall be not less than 12 feet in width, 40 feet in length, with a 14 foot vertical clearance.
- H. **Lighting.** Loading areas shall have lighting capable of providing adequate illumination for security and safety. Lighting standards shall be energy efficient and in scale with the height and use of adjacent uses in compliance with Section 15-2108, Lighting and Glare.
- I. **Driveways for Ingress and Egress and Maneuvering Areas.** Each on-site loading space required by this section shall be provided with driveways for ingress and egress and maneuvering space of the same type and meeting the same criteria required for on-site parking spaces. Truck-maneuvering areas shall not encroach into required parking areas, travelways, or street rights-of-way. This requirement may be modified if the Director finds that sufficient space is provided so that truck-maneuvering areas will not interfere with traffic and pedestrian circulation.
- J. **Loading Bays.** The following apply to commercial and office districts, or any nonresidential district that abuts a residential district.
1. Loading bays and roll-up doors shall be painted to blend with the exterior structure walls and generally located on the rear of the structure.
 2. Areas for loading and unloading shall be designed to avoid potential adverse noise, visual, and illumination impacts on neighboring residences. These areas shall be concealed from view of the public and adjoining land uses. Concealment and screening may be accomplished by use of any of the following, subject to the review and approval:
 - a. Design the structures to enclose the loading and unloading service areas thereby providing for their concealment; or
 - b. A perimeter 8 foot high solid grout walls for depressed loading areas, 12 feet for at-grade loading areas, to be architecturally coordinated with the main structures and on-site landscaping. Additional heights may be required to mitigate noise.
 3. When it is not possible or desirable to locate the loading/unloading facilities at the rear of the structures, the loading docks and loading doors shall be located on the side of the structures and shall be screened from the public street rights-of-way by a suitable combination of walls and landscaped berms.

Article 21 **Performance Standards**

Sections:

15-2101	Purpose
15-2102	Applicability
15-2103	General Standard
15-2104	Location of Measurement for Determining Compliance
15-2105	Maintenance
15-2106	Noise
15-2107	Vibration
15-2108	Lighting and Glare
15-2109	Shadow Casting
15-2110	Odors
15-2111	Heat and Humidity
15-2112	Air Contaminants
15-2113	Liquid or Solid Waste
15-2114	Fire and Explosive Hazards
15-2115	Electromagnetic Interference
15-2116	Radioactivity

15-2101 Purpose

The purpose of this article is to:

- A. Establish permissible limits and allow objective measurement of nuisances, hazards, and objectionable conditions;
- B. Ensure that all uses will provide necessary control measures to protect the community from nuisances, hazards, and objectionable conditions;
- C. Protect industry from arbitrary exclusion from areas of the City; and

15-2102 Applicability

The minimum requirements in this section apply to land uses in all zoning districts, unless otherwise specified.

15-2103 General Standard

Land or buildings shall not be used or occupied in a manner creating any dangerous, injurious, or noxious conditions, chemical fires, explosive, blight, or other hazards that could adversely affect the surrounding area.

15-2104 Location of Measurement for Determining Compliance

Measurements necessary for determining compliance with the standards of this article shall be taken at the property line of the establishment or use that is the source of a potentially objectionable condition, hazard, or nuisance.

15-2105 Maintenance

Sites and facilities shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

- A. **Fences, Hedges, and Walls.** Collectively referred to as fences, shall be maintained in good repair, including painting, if required, and shall be kept free of litter or advertising. Where hedges are used as screening, trimming or pruning shall be employed as necessary to maintain the maximum allowed height. Fences shall be maintained and shall stand upright and shall not lean.
- B. **Signs.** Every sign displayed within the city, including exempt signs, shall be maintained in good physical condition and shall comply with adopted regulations. All defective or broken parts shall be replaced. Exposed surfaces shall be kept clean, in good repair, and painted where paint is required.
- C. **Landscaping/Yards.** All planting and other landscape elements shall be permanently maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning, fertilizing, and regular watering. Wherever necessary, plantings shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Yards shall be maintained free of refuse, debris, rubbish, or other accumulated matter and/or materials, and shall be maintained clean. Grass shall not exceed six inches in height.
- D. **Trees.** Trees shall be maintained by property owners to be free from physical damage or injury arising from lack of water, chemical damage, accidents, vandalism, insects, and disease. Any tree showing such damage shall be replaced with another tree.
- E. **Parking Lots.** Parking lots, including landscaped areas, driveways, and loading areas, shall be maintained free of refuse, debris, or other accumulated matter and shall be kept in good repair at all times.

15-2106 Noise

- A. **Noise Limits.** No use or activity shall create ambient noise levels that exceed the following standards. The maximum noise levels specified in Table 15-2106-A do not apply to noise generated by automobile traffic or other mobile noise sources in the public right-of-way.

TABLE 15-2106-A: NOISE LIMITS					
<i>Land Use Receiving the Noise</i>	<i>Hourly Noise-Level Descriptor</i>	<i>Exterior Noise Level Standard in Any Hour (dBA)</i>		<i>Interior Noise-Level Standard In Any Hour (dBA)</i>	
		<i>Daytime (7am-10pm)</i>	<i>Nighttime (10pm-7am)</i>	<i>Daytime (7am-10pm)</i>	<i>Nighttime (10pm-7am)</i>
Residential (1)	Lea L _{max}	55 60	45 60	40 55	30 45
Medical, Convalescent	Lea L _{max}	55 70	45 60	45 55	35 45
Theatre, Auditorium	Lea L _{max}	- -	- -	35 50	35 50
Religious Institution, Meeting Hall	Lea L _{max}	55 -	- -	40 55	40 55
School, Library, Museum	Lea L _{max}	55 -	- -	40 55	- -
Notes: 1. New residential development in noise impacted areas are subject to the following noise levels: a. For new residential development, maintain a standard of 60 Ldn for exterior noise in private use areas. b. Exterior residential areas may maintain a standard of 65 Ldn if identified as appropriate in the Master Environmental Impact Report.					

1. ***Adjustments to Noise Limits.*** The maximum noise levels of Table 15-2106-A shall be adjusted according to the following provisions. No more than one increase in the maximum permissible noise level shall be applied to the noise generated on each property.
 - a. ***Ambient Noise.*** If the measured ambient noise level exceeds that permissible, the allowable noise standard shall be increased in five-decibel increments as appropriate to encompass or reflect the ambient noise levels.
 - b. ***Duration.*** The maximum noise levels shall be increased as follows to account for the effects of duration:
 - i. Noise that is produced for no more than a cumulative period of five minutes in any hour may exceed the noise limits by five decibels.
 - ii. Noise that is produced for no more than a cumulative period of one minute in any hour may exceed the noise limits by 10 decibels.
 - c. ***Character of Sound.*** If a noise contains a steady audible tone (such as a hum or buzz), rises or falls in pitch or volume (such as a whine or screech) or is a repetitive noise (such as hammering or riveting) or contains music or speech conveying informational content, the maximum noise levels shall be reduced by five decibels.
- B. **Noise Exposure–Land Use Requirements and Limitations.** Table 15-2106-B describes the requirements and limitations of various land uses within the listed Day/Night Average Sound Level (Ldn) ranges.

TABLE 15-2106-B: NOISE EXPOSURE-LAND USE REQUIREMENTS AND LIMITATIONS		
<i>Land Use</i>	<i>Day/Night Average Sound Level (Ldn)</i>	<i>Requirements and Limitations</i>
Residential and other Noise Sensitive Uses (e.g. schools, hospitals, and religious institutions)	Less than 60	Satisfactory
	60 to 75	Acoustic study and noise attenuation measures required
	Over 75	Not allowed
Auditoriums, Concert Halls, Amphitheaters	Less than 70	Acoustic study and noise attenuation measures required
	Over 70	Not allowed
Commercial and Industrial	Less than 70	Satisfactory
	70 to 80	Acoustic study and noise attenuation measures required
	Over 80	Airport-related development only; noise attenuation measures required
Outdoor sports and recreation, parks	Less than 65	Satisfactory
	65 to 80	Acoustic study and noise attenuation measures required; avoid uses involving concentrations of people or animals
	Over 80	Limited to open space; avoid uses involving concentrations of people or animals

- C. **New and Expanded Noise Sources.** Land use-related projects that will create new noise sources or expand existing noise sources shall be required to mitigate their noise levels so that the resulting noise:
1. Does not adversely impact noise-sensitive land uses; and,
 2. Does not exceed the standards specified in Table 15-2106-A.
- D. **Acoustic Study.** An acoustic study shall be required for any proposed project which could create or be subject to a noise exposure greater than that deemed “normally acceptable” by the General Plan. The study shall be paid for by the project applicant and shall be prepared by a qualified acoustical consultant, as determined by and under the supervision of, the applicable Review Authority.
- E. **Noise Attenuation Measures.** Any project subject to the acoustic study requirements of paragraph (D) may be required as a condition of approval to incorporate noise attenuation measures deemed necessary to ensure that noise standards are not exceeded.
1. New noise-sensitive uses (e.g. schools, hospitals, religious institutions, and residences) shall incorporate noise attenuation measures to achieve and maintain an interior noise level of 45 Ldn.
 2. Noise attenuation measures identified in an acoustic study shall be incorporated into the project to reduce noise impacts to satisfactory levels.
 3. Emphasis shall be placed upon site planning and project design measures. The use of noise barriers shall be considered only after all feasible design-related noise measures have been incorporated into the project.

F. **Exemptions.** The provisions of this article do not apply to:

1. **Noise-Sensitive Sites Adjacent to Noise-Generating Land Uses.** In instances where noise-generating land uses are elevated 12 feet or more (i.e., elevated State Routes) from the natural grade of a noise-sensitive site, and the Review Authority determines that a masonry wall would not mitigate outdoor noise to acceptable levels, a wall may be waived, however the interior of the noise-sensitive land uses shall not exceed the indoor space standards in Table 15-2106-A.
2. **Emergencies.** The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.
3. **Warning Devices.** Warning devices necessary for the protection of the public safety, such as police, fire, and ambulance sirens.
4. **Special Events.** Occasional outdoor gatherings, public dances, shows, and sporting and entertainment events, provided that such events are conducted pursuant to a permit or license issued by the City.
5. **Religious Institutions and Other Similar Organizations.** Unamplified bells, chimes, or other similar devices used by religious institutions and other houses of religious worship, as such devices are played between the time period of 7 a.m. and 10 p.m. and the playing period does not exceed one minute in any one hour.
6. **Municipal Solid Waste Collection.** Collection of solid waste, vegetative waste, and recyclable materials by the City or under contract with the City.
7. **Public Works Construction Projects, Maintenance, and Repair.** Street, utility, and similar construction projects undertaken by or under contract to the City, or the State of California or a public utility regulated by the California Public Utilities Commission, as well as maintenance and repair operations conducted by such parties, including street sweeping, debris and litter removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, vacuuming catch basins, repairing of damaged poles, removal of abandoned vehicles, repairing of water hydrants and mains, gas lines, oil lines, sewers, storm drains, roads, and sidewalks.
8. **Public Utility Facilities.** Facilities including, but not limited to, 60-cycle electric power transformers and related equipment, sewer lift stations, municipal wells, and pumping stations.

15-2107 Vibration

No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard.

15-2108 Lighting and Glare

Activities, processes, and uses shall be operated in compliance with the following provisions:

- A. **Mechanical or Chemical Processes.** Light or glare from mechanical or chemical processes, high-temperatures processes such as combustion or welding, or from reflective materials on buildings or used or stored on a site, shall be shielded or modified to prevent emission of adverse light or glare onto other properties.
- B. **Lighting.** Lights shall be placed to deflect light away from adjacent properties and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties. Direct or sky-reflected glare from floodlights shall not be directed into any other property or street. Except for public street lights and stadium lights or combination of lights, or activity shall cast light on a public street exceeding one foot-candle as measured from the centerline of the street. No light, combination of lights, or activity shall cast light onto a residentially zoned property, or any property containing residential uses, exceeding one-half foot-candle.
- C. **Glare.**
 - 1. No use shall be operated such that significant, direct glare, incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located.
 - 2. Windows shall not cause glare that may disrupt adjoining properties, traffic on adjacent streets, etc.
 - 3. Glare or heat reflected from glass shall be mitigated so as to not disrupt surrounding properties.

15-2109 Shadow Casting

- A. When a structure will exceed 50 feet in height, the developer must submit an analysis of the shadows that the structure will cast on planned or existing residential property.
 - 1. If the shadow analysis should demonstrate the maximum extent of the shadows cast by a building through at least the four quarters of the year, between one hour after sunrise and one hour before sunset.
 - 2. If the shadow analysis indicates the project shadow does not reach any residential or park land, no further review of the project shadow will be required.

15-2110 Odors

No use, process, or activity shall produce objectionable odors that are perceptible without instruments by a reasonable person at the lot lines of a site. Odors from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, vehicle emissions, trucks, etc.) are exempt from this standard.

15-2111 Heat and Humidity

Uses, activities, and processes shall not produce any emissions of heat or humidity that cause distress, physical discomfort, or injury to a person of reasonable sensitivity or interfere with ability to perform work tasks or conduct other customary activities. In no case shall heat emitted by a use cause a temperature to noticeably increase on another property.

15-2112 Air Contaminants

Uses, activities, and processes shall not operate in a manner that emit dust, fumes, smoke, or particulate matter adverse to the public health, safety, or general welfare of the community or detrimental to surrounding properties or improvements.

- A. **Compliance.** Sources of air pollution shall comply with rules identified by the Environmental Protection Agency (Code of Federal Regulations, Title 40), the California Air Resources Board, and the San Joaquin Valley Air Pollution Control District (SJVAPCD).
- B. **SJVAPCD Permits.** Applicants shall be responsible for obtaining permits from the SJVAPCD.

15-2113 Liquid or Solid Waste

- A. **Discharges to Water or Sewers.** Liquids and solids of any kind shall not be discharged, whether directly or indirectly, into a public or private body of water, sewage system, watercourse, or into the ground, except in compliance with applicable regulations of the California Regional Water Quality Control Board (California Administrative Code, Title 23, Chapter 3 and California Water Code, Division) and as may be permitted by the City
- B. **Solid Wastes.** Solid wastes shall be handled and stored so as to prevent nuisances, health, safety, and fire hazards; and to facilitate recycling. Any solid wastes that would be conducive to the breeding of rodents and/or insects may only be stored outside in closed containers.

15-2114 Fire and Explosive Hazards

- A. All activities, processes and uses involving the use of, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion in accordance with the Fire Code. Fire-fighting and fire suppression equipment and devices standard in industry shall be approved by the Fire Department. All incineration is prohibited with the exception of those substances such as, but not limited to, chemicals, insecticides, hospital materials and waste products, required by law to be disposed of by burning, and those instances wherein the Fire Department deems it a practical necessity
- B. The use, handling, storage and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations and the California Fire and Building Code, as well as the laws and regulations of the California Department of Toxic Substances Control and the County Environmental Health Agency. Activities, processes, and uses shall not generate or emit any fissionable or radioactive materials into the atmosphere, a sewage system or onto the ground.
- C. The use, handling, transportation and storage of hazardous and extremely hazardous materials shall comply with the laws and regulations of Occupational Safety and Health Administration (OSHA), United States Department of Transportation (US DOT) and Environmental Protection Agency (EPA). Also add a requirement for compliance with all applicable federal and state laws, including but not limited to the Hazardous Materials Transportation Act of 1975, as may be amended.

15-2115 Electromagnetic Interference

No use, activity, or process shall cause electromagnetic interference with normal radio and television reception in any Residential District, or with the function of other electronic equipment beyond the lot line of the site in which it is situated. All uses, activities, and processes shall comply with applicable Federal Communications Commission regulations. This restriction shall not apply to activities related to amateur radio within the meaning of 47 C.F.R. 97, *et. seq.*

15-2116 Radioactivity

No radiation of any kind shall be emitted that is dangerous to humans. This restriction shall not apply to radiation emitted in the course and scope of medical uses subject to the requirements of the Health and Safety Code (Sections 114840 through 114896).

Article 22 **Signs**

Sections:

15-2201	Purpose
15-2202	Applicability
15-2203	Exempt Signs
15-2204	Real Estate Signs
15-2205	Future Tenant Signs
15-2206	Permits Required
15-2207	Rules for Sign Measurement
15-2208	General Standards
15-2209	Standards for Signs by District
15-2210	Signage Allowances for Specific Uses
15-2211	Flags
15-2212	Political Signs
15-2213	Holiday Decorations
15-2214	Standards for Specific Sign Types
15-2215	Temporary Signs
15-2216	Subdivision Signs
15-2217	Master Sign Program (MSP)
15-2218	Historic Signs
15-2219	Electronic Copy
15-2220	Nonconforming Signs
15-2221	Maintenance of Signs
15-2222	Removal of Signs
15-2223	Prohibited Signs

15-2201 Purpose

The purpose of this article is to regulate signs as an information system that expresses the character and environment of Fresno and implements the General Plan, consistent with state and federal law. These regulations recognize the importance of business activity to the economic vitality of the City as well as the need to protect the visual environment. Specifically, these regulations are intended to:

- A. Provide adequate opportunity for the exercise of the free speech right by display of a message or image on a sign, while balancing that opportunity with other community and public interests;
- B. Provide minimum standards to safeguard life, health, property, public welfare, and traffic safety by controlling the design, quality of materials, construction, illumination, size, location and maintenance of signs and sign structures;
- C. Preserve and enhance the visual attractiveness of the City, for residents, businesses, and visitors;
- D. Protect and enhance property values and community appearance by encouraging signs that are compatible with the architectural style, character, and scale of the building to which they relate and with adjacent buildings and businesses;

- E. Restrict signs that may create visual clutter or a nuisance to nearby properties, violate privacy, or create hazards or unreasonable distractions for pedestrians and drivers;
- F. Ensure that commercial signs are accessory or auxiliary to a principal business or establishment on or near the same premises, rather than functioning as general advertising for hire; and
- G. Prohibit signs that may cause traffic or pedestrian safety hazards or interfere with ingress and egress.

15-2202 Applicability

This article regulates all signs on public and private property, except where expressly stated otherwise. No sign shall be erected or maintained anywhere in the City except in conformity with this article.

15-2203 Exempt Signs

The following signs are exempt from the permit requirements of this article and do not count toward the total sign area limit for a site, provided that they conform to applicable standards:

- A. **Address Signs and Name Plates.** Each residence and establishment may post one address sign and one name plate, with display faces per Article 52, Street Names & Addressing.
- B. **City Property/Bus Stop Signs.** Signs placed by the City on property or public right of way held by the City, subject to any applicable environmental review pursuant to CEQA.
- C. **Barber Poles.** Barber poles less than 18 inches in height.
- D. **Equipment Signs.** Signs incorporated into permitted displays, machinery, or equipment by a manufacturer, distributor, or vendor and identifying or advertising only the product or service dispensed by the machine or equipment, such as signs customarily fixed to automated teller machines (ATMs) and gasoline pumps.
- E. **Interior Graphics or Signage.** Visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof, or located on the inside of a building and at least three feet from the window.
- F. **Official Notices.** Official and legal notices used by any court, public body, person, or officer in the performance of a public duty; any legal or official notices posted by a utility or other quasi-public agency; temporary or permanent signs erected and maintained by or required by the City, state, or federal government, or government transportation or transit agencies, for the purpose of providing official governmental information to the general public, including, but not limited to: traffic direction, city entrance, or for designation of direction to any school, hospital, historical site, or public service, property, or facility; public hearing or meeting notices; seismic warning signs; or other signs required or authorized by law.
- G. **Public Carrier Graphics.** Graphic images mounted on carrier vehicles such as buses, taxicabs, and limousines that legally pass through the City.
- H. **Sidewalk Signs.** Sidewalk signs, provided they comply with the following standards:
 - 1. **Quantity.** A maximum of one sidewalk sign per business is allowed.
 - 2. **Locations.**

- a. Sidewalk signs shall be located away from important paths of pedestrian travel. A five foot wide travel path shall be maintained for through pedestrian traffic, for travel from crosswalks to the primary path of through pedestrian traffic, and for travel into and out of the establishment.
 - b. Sidewalk signs shall not be located less than 18 inches from a curb.
 - c. Sidewalk signs shall not be located in front of another commercial establishment.
 - d. Sidewalk signs shall not be located more than 50 feet from the establishment for which it is advertising.
- 3. Design:
 - a. Sidewalk signs shall have no more than 2 sides.
 - b. The height of sidewalk signs shall be no less than 18 inches and no more than 36 inches.
 - c. The height of sidewalk signs shall be no less than 18 inches and no more than 24 inches.
 - d. Sidewalk signs shall not be illuminated except by ambient sources.
 - e. Primary construction material shall not be vinyl or plastic.
- I. **Temporary Signs.** Temporary signs, subject to the requirements of Section 15-2215, Temporary Signs.
- J. **Wayfinding Signs.** On-site directional signs to assist in the navigation of a site, each no larger than six square feet in area and no higher than eight feet.
- K. **Window Signs.** Window signs limited to the hours of operation, address, occupancy, and emergency information, subject to the following standards:
 - 1. ***Limitations on Placement.*** Window signs shall not be mounted or placed on windows higher than the second story.
 - 2. ***Maximum Area.*** The maximum area of exempt window signage shall not exceed three square feet in area.

15-2204 Real Estate Signs

Real estate signs are subject to the regulations below. A permit is not required.

- A. **On-Site Real Estate Signs.** On-premises signs conveying information about the sale, rental, or lease of the lot, premises, dwelling, or structure on which they are located, provided that they comply with the following standards:
 - 1. No more than one real estate sign per lot in residential districts, or one real estate sign per street frontage per lot in non-residential districts, is displayed at any one time;
 - 2. The sign or signs do not exceed an aggregate area of six square feet in residential districts or 32 square feet in non-residential districts;

3. Wall signs shall not be higher than seven feet above grade in residential districts or fifteen feet in non-residential districts. Freestanding signs shall not exceed six feet in height in residential districts or eight feet in height in non-residential districts.
 4. The sign or signs are not illuminated; and
 5. The sign or signs are removed within 15 days after the sale, lease, or rental of the property has been completed.
- B. **Directional Signs for Open Houses.** Up to three off-site signs directing the public to “open house” events for the viewing of lots, premises, dwellings, or structures that are for sale, lease, or rent, are permitted on public or private land, provided that they comply with the following standards:
1. No sign or signs shall exceed six square feet in area, or three feet in height from finished grade.
 2. The sign or signs may not be placed more than 12 hours before the start or remain more than 12 hours after the conclusion of the open house event.
 3. Signs shall not be within the visibility triangle per Section 15-1618, Intersection Visibility.

15-2205 Future Tenant Signs

Future tenant identification signs that announce the future use of a project while under construction subject to compliance with the regulations below. A permit is not required for Future Tenant Signs.

- A. One sign per street frontage except for projects having an excess of 500 lineal feet of street frontage, one additional sign may be allowed.
- B. Signs shall be limited to a maximum of 80 square feet in area and 10 feet in height.
- C. Signs shall be removed before occupancy of the site.

15-2206 Permits Required

- A. **Building Permit Required.** No person shall erect, alter, repair, or relocate any sign without first obtaining any required building permit for such work from the Building Official. No permit shall be issued until the Building Department determines that such work is in accordance with the building or electrical codes of the City. Except as otherwise provided, permits required by this article will be issued pursuant to the same terms and according to the same fee schedule as all other building permits.
- B. **Planning Permit Required.** The Planning Department will review applications for building permits for signs and determine if the proposed signs are consistent with the requirements contained in this article.
- C. **Encroachment Permit.** Signs that project over a public street or sidewalk shall be subject to Encroachment Permit approval by the Public Works Department pursuant to the provisions of Chapter 13 of the Municipal Code.

- D. **Master Sign Program.** A Master Sign Program is required for new non-residential or mixed-use projects with three or more tenants, new multi-family residential developments of 50 or more units, when five or more signs are proposed for a building or site with one or two tenants, for any project within a Planned Development District, for pole signs, signs with electronic copy, and for signs that do not conform with all the standards of this article, as specified in Section 15-2217, Master Sign Program.

15-2207 Rules for Sign Measurement

- A. **Calculation of Sign Area.** The area of an individual sign shall be calculated as follows.
1. ***Single-Faced Signs.*** Sign area shall include the entire area within a single continuous perimeter composed of squares or rectangles that enclose the extreme limits of all sign elements, including, but not limited to, sign structures or borders, written copy, logos, symbols, illustrations, and color. Supporting structures such as sign bases and columns are not included in sign area provided that they contain no lettering or graphics except for addresses or required tags. The calculation of sign area for various types of single-faced signs is illustrated in Figure 15-2207-A.1.

Sign Area = Height x Width

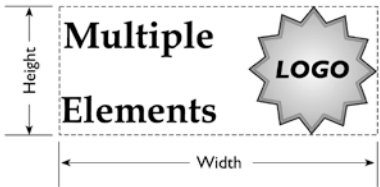
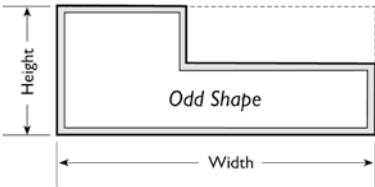
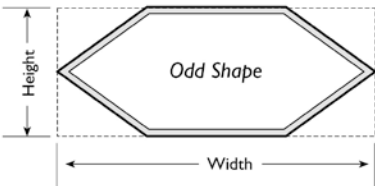
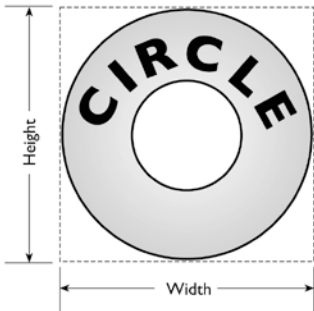
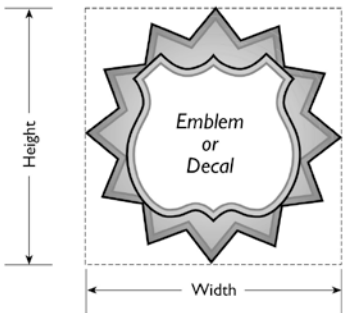


FIGURE 15-2207-A(1): MEASURING SIGN AREA

2. **Double-Faced Signs.** Where two faces of a double-faced sign are located 18 inches between faces, or less than an interior angle of 45 degrees or less from one another, the sign area shall be computed as the area of one face. Where the two faces are not equal in size, the larger sign face shall be used. Where two faces of a double-faced sign are located more than 18 inches or 45 degrees from one another, both sign faces shall be counted toward sign area.
3. **Multi-Faced Signs.** On a three-faced sign, where at least one interior angle is 45 degrees or less, the area of two faces (the largest and smallest face) shall be summed to determine sign area. In all other situations involving a sign with three or more sides, sign area shall be calculated as the sum of all faces.

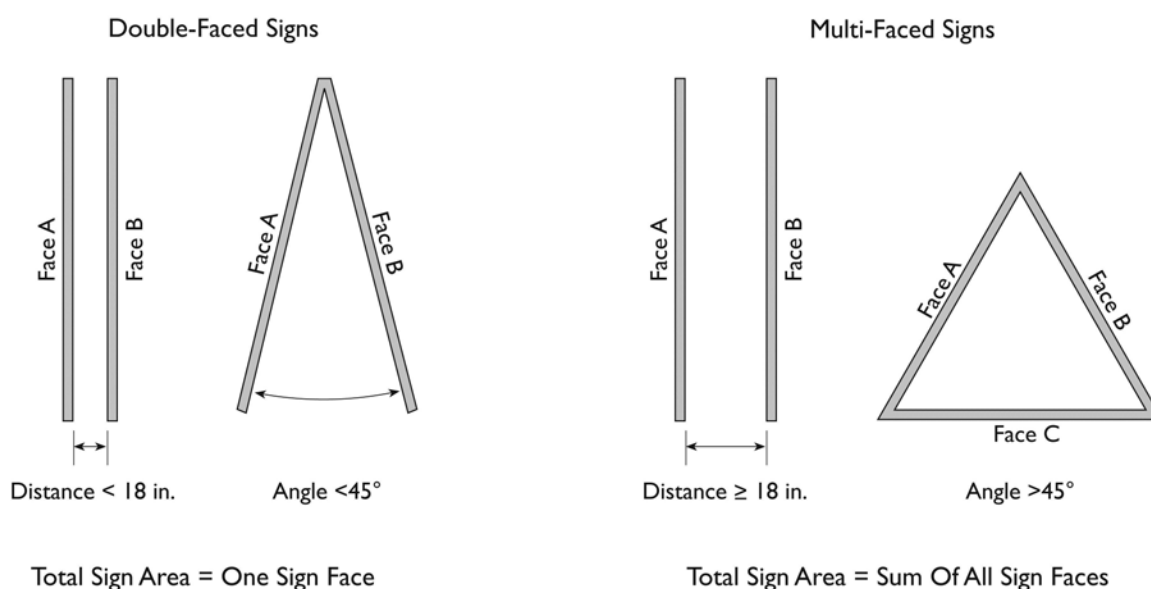


FIGURE 15-2207-A(2): DOUBLE AND MULTI-FACED SIGNS

4. **Three-Dimensional Signs.** Signs that consist of, or have attached to them, one or more three-dimensional objects (i.e., balls, cubes, clusters of objects, sculpture, or statue-like trademarks), shall have a sign area of the sum of all areas using the four vertical sides of the smallest cube that will encompass the sign.

Sign Area = Sum of Two Adjacent Sides

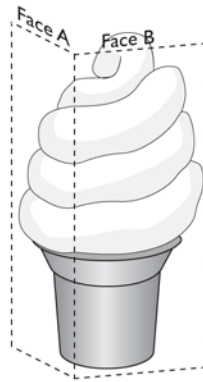


FIGURE 15-2207-A(4): THREE DIMENSIONAL SIGNS

- B. **Calculation of Lot Frontage.** If a lot fronts on two streets, both frontages may be used for calculating the allowable sign area. On lots with three or more frontages on a public street, the length of only two contiguous sides shall be added together to determine allowable sign area.
- C. **Measuring Sign Height.** The height of a sign is the vertical distance measured from the ground level directly beneath the sign to the highest point at the top of the sign, including any structural or architectural components of the sign. The ground level shall be either the natural grade or finished grade, whichever is lowest.
1. **Height of Freestanding Signs.** The height of freestanding signs shall be measured as the vertical distance from grade at the edge of the right-of-way along which a sign is placed to the highest point of the sign, including any structural or architectural components of the sign. When the grade at the edge of the right-of-way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the right-of-way shall not be included in determining the sign's overall height. Signs oriented towards a freeway shall be measured from the project site grade or pad, whichever is lower.
- D. **Measuring Sign Clearance.** Sign clearance shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.
- E. **Building Frontage.** Building frontage is the building facade that directly abuts a public street, private street, parking lot driveway, or parking spaces in which main customer access is provided to the business. A building's frontage is considered continuous if projections or recesses in a building wall do not exceed 10 feet in any direction. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each building frontage.

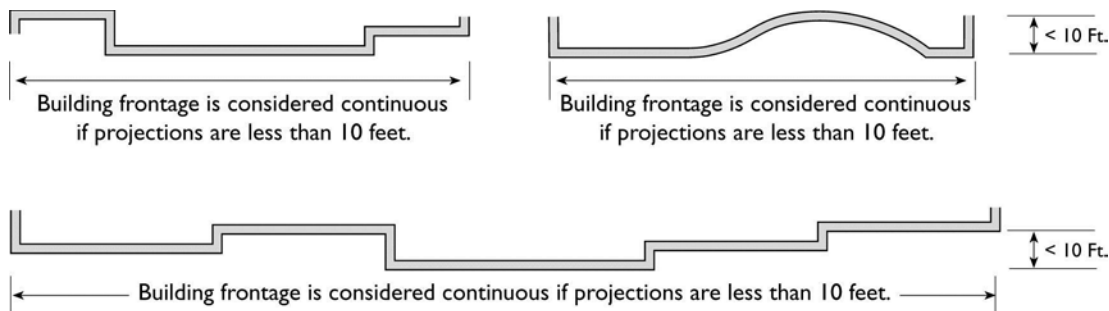


FIGURE 15-2207-E: BUILDING FRONTAGE

15-2208 General Standards

- A. **Identification Decal.** Every sign for which a permit is issued shall be plainly marked with the corresponding permit number issued for the sign. Tags may be displayed on signs or at the base of a structure in a visible location. Tags for freestanding or monument signs must be located on the structure between one and three feet above grade.
- B. **Visibility Triangles.** No sign, permanent or temporary, flag, flagpole, etc. may be erected within the visibility per Section 15-1618, Intersection Visibility.
- C. **Residential and Nonresidential Interface.** Signs and flags on commercial and industrial zoned property shall be set back a minimum distance of 45 feet from a residential district.
- D. **Materials and Mounting Required.**
 1. **Materials.** Signs shall be made of sturdy, durable materials. Paper, cardboard and other materials subject to rapid deterioration may only be used for temporary signs.
 2. **Mounting Required.** All permanent signs shall be firmly anchored, shall comply with all requirements for public safety, and shall satisfy all applicable safety codes and all other applicable governmental enactments, rules, regulations, or policies.
- E. **Message Substitution.** A noncommercial message of any type may be substituted, in whole or in part, for any duly permitted commercial message, and any on-site commercial message may be substituted, in whole or in part, for any other on-site commercial message.
 1. **No Additional Approval.** Such substitution of message may be made without any additional approval, permitting, registration or notice to the City. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message.
 2. **Limitations.** This message substitution provision does not: 1) create a right to increase the total amount of signage on a parcel, lot or land use; 2) affect the requirement that a sign structure or mounting device be properly permitted; 3) allow a change in the physical structure of a sign or its mounting device; or 4) authorize the substitution of an

off-site commercial message in place of an on-site commercial message or in place of a noncommercial message.

- F. **Changeable Copy.** Non-electronic changeable copy shall cover no more than 20 percent of the total sign area, except for the following uses which are allowed up to 75 percent of the maximum sign area to be changeable copy: all public and semi-public uses, indoor theaters, and fuel price signs. Copy shall not be changed more than once every 24 hours.
- G. **Illumination.** The illumination of signs shall be designed, installed, and maintained to avoid negative impacts on surrounding right-of-ways and properties. The following standards shall apply to all illuminated signs:
1. **Shielding Required.** Light sources shall be concealed or shielded to prevent or minimize light spillage, glare, momentary blindness, or other annoyance, disability or discomfort to persons within the view of such light sources.
 2. **Colored Lights.** Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices.
 3. **Energy Conservation.** Light sources shall be hard-wired fluorescent or compact fluorescent lamps, or other lighting technology that is of equal or greater energy efficiency. Incandescent lamps are prohibited, except when used in signs of historic character as part of the architectural design.
 4. **Light Sources Adjacent to Residential Areas.** Illuminated signs located adjacent to any residential area shall be controlled by a rheostat or other acceptable method to reduce glare that will create a nuisance for residential buildings in a direct line of sight to the sign.
- H. **Concealed Electrical Systems.** External conduits, boxes, and other connections related to the function of a sign and associated lighting shall not be exposed. A switch disconnecting each circuit shall be placed in plain sight and near the inspection opening.

15-2209 Standards for Signs by District

The following table establishes the types of signs allowed by district.

TABLE 15-2209: SIGN AREA AND SIGN STANDARDS FOR SPECIFIC SIGN TYPES AND ZONING DISTRICT			
<i>Zoning District (Frontage)</i>	<i>Permitted Sign Types</i>	<i>Total Maximum Sign Area (square feet)</i>	<i>Additional Regulations</i>
Buffer, Residential, and Public and Semi-Public Districts			
All Districts	Monument (for Nonresidential uses, such as a Religious Institution)	See Additional Regulations	See Section 15-2210, Signage Allowances for Specific Uses
Mixed-Use Districts			
NMX	Awning Projecting Wall	50 or .5 per linear foot of building frontage, whichever is greater	

TABLE 15-2209: SIGN AREA AND SIGN STANDARDS FOR SPECIFIC SIGN TYPES AND ZONING DISTRICT

<i>Zoning District (Frontage)</i>	<i>Permitted Sign Types</i>	<i>Total Maximum Sign Area (square feet)</i>	<i>Additional Regulations</i>
	Window		
CMX	Awning Monument Projecting Wall Window	100 or .5 per linear foot of building frontage, whichever is greater	
RMX	Awning Monument Pole Projecting Wall Window	200 or .25 per linear foot of building frontage, whichever is greater	Limited to one pole or monument sign per street frontage
Commercial Districts			
CMS	Awning Projecting Wall Window	50 or .5 per linear foot of building frontage, whichever is greater	
CC	Awning Monument Projecting Wall Window	100 or .5 per linear foot of building frontage, whichever is greater	
CR	Awning Monument Pole Projecting Wall Window	200 or .25 per linear foot of building frontage, whichever is greater	Limited to one pole or monument sign per street frontage
CG	Awning Monument Pole Projecting Wall Window	200 or .25 per linear foot of building frontage, whichever is greater	Limited to one pole or monument sign per street frontage
CH	Awning Monument Pole Projecting Wall Window	200 or .25 per linear foot of building frontage, whichever is greater	Limited to one pole or monument sign per street frontage
CRC	Awning Monument	100 or .5 per linear foot of building frontage,	Limited to one pole or monument sign per street

TABLE 15-2209: SIGN AREA AND SIGN STANDARDS FOR SPECIFIC SIGN TYPES AND ZONING DISTRICT			
<i>Zoning District (Frontage)</i>	<i>Permitted Sign Types</i>	<i>Total Maximum Sign Area (square feet)</i>	<i>Additional Regulations</i>
	Pole Projecting Wall Window	whichever is greater	frontage
Employment Districts			
O	Awning Monument Projecting Wall Window	100 or .5 per linear foot of building frontage, whichever is greater	
BP	Awning Monument Projecting Wall Window	100 or .5 per linear foot of building frontage, whichever is greater	
RBP	Awning Monument Pole Projecting Wall Window	200 or .25 per linear foot of building frontage, whichever is greater	Limited to one pole or monument sign per street frontage
IL	Awning Monument Projecting Wall Window	100 or .5 per linear foot of building frontage, whichever is greater	
IH	Awning Monument Projecting Wall Window	100 or .5 per linear foot of building frontage, whichever is greater	

15-2210 Signage Allowances for Specific Uses

This Section establishes signage allowances for specific uses. These signs are allowed in addition to the signs allowed by Zoning District in Section 15-2209, Standards for Signs by District.

- A. **All Districts.** Signs may not be located in the visibility triangle per 15-1618, Intersection Visibility.
- B. **Agricultural Operations.** Signs for agricultural operations conducted on parcels 20 acres or more in size may be erected subject to the following standards:

1. **Maximum Number of Signs.** One sign per street frontage.
 2. **Location.** Shall be setback back a minimum of five feet from the public right-of-way.
 3. **Maximum Sign Area per Sign.** 100 square feet in area.
 4. **Maximum Sign Height.** 20 feet.
 5. **Copy.** The signs shall display only the name of the operation, directions to its location, and slogan, if any.
- C. **Public and Semi-Public Uses.** Signs for Public and Semi-Public Uses located in Residential Districts may be erected subject to the following standards:
1. **Maximum Number of Signs.** One freestanding sign per street frontage plus one wall sign.
 2. **Maximum Sign Area per Signs.** Freestanding signs shall not be more than 32 square feet in area. Wall signs shall not be more than 10 square feet in area.
 3. **Height Limit, Freestanding Signs.** Five feet when located within a required front or street side setback, eight feet otherwise.
 4. **Illumination.** Signs may be internally illuminated.
- D. **Residential Subdivisions.** Entrance signs for residential areas with more than 10 residential parcels shall be permitted for the purpose of identifying a development subject to the following standards:
1. **Maximum Number of Signs.** Two signs per entrance from a public street plus one sign per street frontage with no entrance from a public street.
 2. **Maximum Sign Area per Sign.** 32 square feet.
 3. **Height Limit.** Five feet when located within a required front or street side setback, 10 feet otherwise.
 4. **Illumination.** Signs may not be internally illuminated.
- E. **Drive-Throughs**
1. **Menu Display Boards.** Menu displays, not exceeding two square feet in area mounted on a wall or in a window near the main entrance of establishments serving food to customers who eat on the premises. For free standing menu display boards, refer to Section 15-2328, Drive-In and Drive-Through Facilities.
- F. **Service Stations.**
1. Signs on service station canopies not to exceed 50 square feet on each side.
 2. Freestanding or monument signs may provide electronic fuel prices. A freestanding and/or monument sign that is to be converted to an electronic fuel price sign shall comply with the size requirements and setbacks required by the Development Code.
 3. Fuel prices shall be static and shall not be blinking, flashing, continuously changing colors, etc.
 4. Prices may change once in a 24 hour period.

5. Only one electronic fuel price is permitted per site.
6. Electronic numbers shall not exceed 24 inches in height.

G. Theaters.

1. Developments containing theaters are allowed one additional pole or monument sign with changeable copy. The maximum height is 20 feet and the maximum size is 80 square feet.
2. Theatres may provide additional walls signs that provide show times. Said signs shall not exceed 200 square feet. Times may be electronic.

H. Outdoor Scoreboards. Outdoor scoreboards are allowed in public or private athletic complexes. Stationary advertising may not exceed 50 percent of the scoreboard face.

15-2211 Flags

Free standing flagpoles or decorative flags on light posts may be installed in accordance with the following standards:

- A. **Location.** Flagpoles shall not be located within any required front yard, street side or side yard setbacks. Flagpoles shall be located outside of the visibility triangle. Refer to Section 15-1618, Intersection Visibility.
- B. **Maximum Flagpole Height.** The pole height shall not exceed 25 feet.
- C. **Maximum Size.** The maximum total flag area is 18 square feet.
- D. **Decorative Flags.** Flags may be for noncommercial purposes. Permitted flags include but are not limited to countries, counties, cities, or decorative flags that do not provide product information such as the name of a corporation or consumer item.

15-2212 Political Signs

- A. **Maximum Size.** Signs shall not exceed 32 square feet in area.
- B. **Maximum Height.** Signs shall not exceed 10 feet in height.
- C. **Time Limits.** Sign shall not be erected or displayed earlier than 90 days before the election to which it relates, nor later than 10 days following such election.
- D. **Location.** Sign shall not be attached to any utility pole and such sign, or portion thereof, is not placed in any public right-of-way or on any property owned by the City. Such sign is placed on private property with the permission of the property owner or is attached to an existing sign on private property with the permission of the sign owner or lessee.
- E. **Shall Not Obstruct.** Such sign is not erected in such a manner that it will, or reasonably may be expected to, interfere with, obstruct, confuse or mislead traffic.
- F. **Maintenance.** Signs not erected or maintained in accordance with the provisions of this subsection shall be the responsibility of the owner of the property upon which the sign is located, shall be deemed a public nuisance, and may be abated by such property owner, the candidate or person advocating the vote described on the sign, or the Director. The cost of

removal incurred by the Director shall be assessed against the property owner and/or the candidate and/or the person advocating the vote described on the sign.

15-2213 Holiday Decorations

- A. Holiday decorations and holiday decoration signs shall not require a permit. Holiday decorations shall be removed within three days of the end of the holiday.

15-2214 Standards for Specific Sign Types

This section establishes location and other general standards for specific sign types that apply to all areas where such signs are permitted. Additional standards applicable to these signs in specific zoning districts or associated with specific uses are located in sections 15-2209, Standards for Signs by District, and 15-2210, Signage Allowances for Specific Uses.

- A. **Awning Signs.** Signs painted on awnings, canopies, arcades, or similar features or structures are subject to the following standards:
1. **Location.** Awnings shall be located on the ground floor of buildings.
 2. **Maximum Sign Area Per Sign.** 10 square feet or 25 percent of the surface area of the awning, whichever is less.
 3. **Minimum Sign Clearance.** Eight feet.

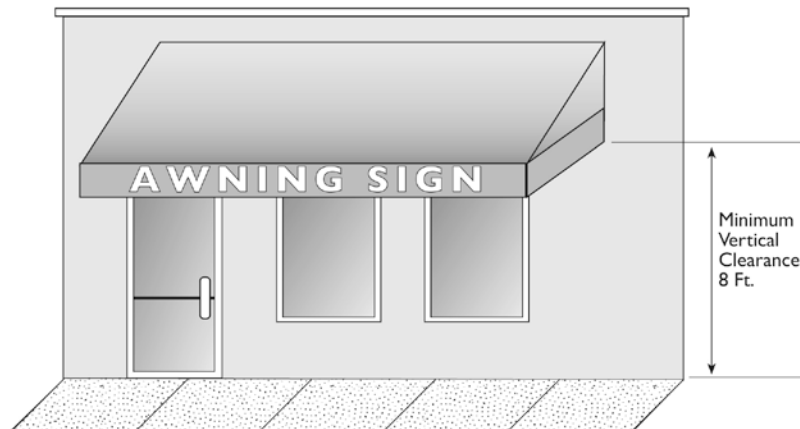


FIGURE 15-2214-A: AWNING SIGN

- B. **Pole Signs.** Pole signs are subject to the following standards:
1. **Maximum Number.** One per street frontage with a minimum of 300 feet of continuous street frontage. The minimum street frontage requirement does not apply to service stations.
 2. **Maximum Sign Area per Sign.** The sign area shall not exceed 60 square feet.
 3. **Minimum Separation.** Pole signs shall have a minimum separation of 75 feet from any other pole sign.

4. **Required Setback.** Signs shall be setback back a minimum of ten feet from the property line. No pole sign is permitted within 660 feet of the nearest edge of any travel lane of the Dwight D. Eisenhower Highway (Freeway 41), Freeway 180, Freeway 168, or any future freeway which may be opened to public travel, if any said sign is visible from any part of such travel lane.
5. **Maximum Height.** Maximum height of pole signs shall be based on the gross floor area of the habitable, enclosed, non-residential structures on the subject property and the classification of the adjacent or nearest street as follows:

Gross square footage	Classification of Street		
	Freeway	Arterial	Collector / Other
300,000 or more	90 feet	75 feet	50 feet
100,000 to 299,999	60 feet	40 feet	25 feet
Less than 100,000	40 feet	20 feet	20 feet

6. **Minimum Sign Clearance.** Eight feet.
 7. **Landscaping Required.** All pole signs shall require landscaping at the base equivalent to two times the area of the sign copy.
- C. **Monument Signs.** Monument signs are subject to the following standards:
1. **Maximum Number.** One per street frontage.
 2. **Maximum Sign Area per Sign.** 60 square feet in the RMX, CR, CG, CH, and RBP districts, 24 otherwise.
 3. **Minimum Separation.** Monument signs shall have a minimum separation of 50 feet from any other monument sign.
 4. **Required Setback.**
 - a. Seven feet from the property line.
 - b. No monument sign is permitted within 660 feet of the nearest edge of any travel lane of the Dwight D. Eisenhower Highway (Freeway 41) or any future freeway which may be opened to public travel, if any said sign is visible from any part of such travel lane.
 5. **Height Limit.** Three feet when located within five feet of a property line, eight feet otherwise.
- D. **Projecting Signs.** Signs under canopies or covers in conjunction with pedestrian walkways, or signs projecting from buildings are allowed, subject to the following additional standards:
1. **Maximum Number.** One per building or tenant space.
 2. **Maximum Sign Area Per Sign.**

- a. *Projecting Signs.* 12 square feet.
- b. *Under Canopy or Awning Signs.* Eight square feet.
3. ***Height Limit.*** 12 feet.
4. ***Minimum Sign Clearance.*** Eight feet.
5. ***Projection Allowed.*** A projecting sign cannot extend more than four feet from the building to which it is attached and shall be designed and located so as to cause no harm to street trees.
6. ***Illumination.*** No internal illumination is permitted.

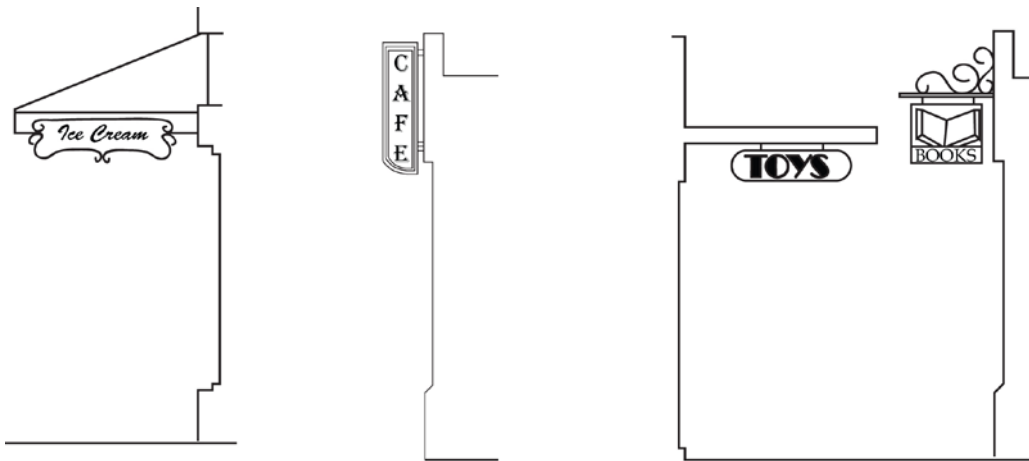


FIGURE 15-2214-D: PROJECTING SIGNS

E. Wall Signs. Wall signs are subject to the following standards:

1. ***Maximum Number.*** One per building frontage or tenant space plus one building identification sign per building frontage located on the uppermost story of a building with four or more stories.
2. ***Maximum Sign Area Per Sign.*** 24 square feet. For buildings with more than 1,000 square feet of wall area, five percent of the wall area or 100 feet, whichever is less.
3. ***Height Limit.*** 20 feet or the height of the wall of the building to which the sign is attached, whichever is lower. Building identification signs located on the uppermost story of a building shall be no higher than the wall of the building to which the sign is attached.
4. ***Projection Allowed.*** Wall signs shall not extend more than four inches beyond the face of the wall to which they are attached.
5. ***Placement.*** No wall sign may cover, wholly or partially, any wall opening.

6. **Orientation.** Unless a different orientation is specifically authorized, each wall-mounted sign shall be placed flat against the wall of the building.



FIGURE 15-2214-E: WALL SIGN

- F. **Window Signs.** Window signs are subject to the following standards:
 1. **Maximum Number.** One per tenant space.
 2. **Location.** Ground floor window area.
 3. **Window Transparency.** A minimum 75 percent of the window shall be transparent and free of signage features. Signage inside the building is not allowed within four feet of the window.

15-2215 Temporary Signs

The following signs are allowed subject to Temporary Use Permit approval.

- A. **Banners and Moving Signs.** Special promotional banners and air inflated signs, dancers, or inflatables (i.e., Moving Signs) are allowed for establishments within Non-Residential Districts, subject to the following standards:
 1. **Maximum Number.** A maximum of one type of promotional sign is allowed per Major Street frontage.
 2. **Maximum Height.** If a banner is on a freestanding pole, the pole height shall not exceed 20 feet; all other signs shall not be located above the roofline.
 3. **Maximum Size.** The maximum total sign area is 60 square feet.
 4. **Minimum Separation.** Air-inflated signs shall have a minimum separation of ½ mile from other air-inflated signs on abutting parcels or adjacent to an Buffer or Residential Zoning District. Air inflated signs shall not exceed 20 feet in height.
 5. **Duration.** No sign per this section shall be displayed for more than 30 days, and a period of 30 days must lapse before displaying another sign. Promotional signs shall not be displayed for more than 60 total days during a calendar year.

6. **Removal.** Signs shall be removed within 24 hours of completion of the event.
- B. **Grand Opening Events/New Ownership.** Grand Opening and/or change of ownership events of limited duration may take place in accordance with the following standards.
1. **Business Tax Certificate.** The business holding the event shall have a business tax certificate that identifies the first day of business.
 2. **Duration.** Promotional signs, banners, pennant strings, balloons, or air-inflated signs shall not be displayed for more than seven days. Only one event during a calendar year is permitted. The seven days shall begin on the first day.
 3. **Maximum Number.** Two per street frontage.
 4. **Maximum Sign Area per Sign.** 80 square feet
 5. **Required Setback.** If freestanding, 10 feet from property line.
 6. **Height Limit.** 20 feet.
 7. **Removal.** Signs shall be removed within 24 hours of completion of the event.

15-2216 Subdivision Signs

- A. **On-Site.** Temporary real estate signs advertising real property which has been subdivided for purposes of sale or lease shall be permitted, subject to the following conditions:
1. **Maximum Number.** Four per site.
 2. **Maximum Total Sign Area.** 320 square feet plus 20 square feet for every 20 acres over 60 acres of site area.
 3. **Maximum Sign Area per Sign.** 80 square feet for sites 20 acres or less in size. 160 square feet for sites more than 20 acres in size.
 4. **Height Limit.** 16 feet.
 5. **Duration.** The sign shall remain only as long as some portion of the property advertised for sale remains unsold, or for a period of two years, whichever period is shorter. The two year period shall begin on a date determined by the Director. The Director may extend this period, but not it shall not exceed one year.
- B. **Off-Site.** Temporary real estate signs directing prospective purchasers to a subdivision having lots or houses for sale may be erected and maintained on private property, with the owner's permission, provided said signs do not adversely affect the use or appearance of existing buildings or landscaping and do not create hazardous traffic conditions.
1. **Maximum Number.** Four per subdivision.
 2. **Maximum Sign Area Per Sign.** 32 square feet.
 3. **Required Setback.** Five feet from the property line.
 4. **Location.** Within one mile of the exterior boundary of the subdivision.
 5. **Height Limit.** 12 feet.

6. ***Duration.*** The sign shall remain only as long as some portion of the property advertised for sale remains unsold, or for a period of two years, whichever period is shorter. The two year period shall begin on a date determined by the Director. The Director may extend this period, but not it shall not exceed one year.
- C. ***Subdivision Flags.*** Any residential subdivision with lots for sale may display decorative flags pursuant to the following conditions:
1. ***Number and Spacing:***
 - a. One flag every 60 linear feet of subdivision property along a major street (freeway, expressway, arterial, collector).
 - b. One flag every 30 linear feet of subdivision property within 660 feet of the main subdivision entrance.
 - c. One flag every 20 linear feet of the main entryway into the subdivision.
 - d. Two flags for each model home lot. These model home flags are allowed in addition to the number of flags determined by the above linear footage measurements.
 2. ***Height Limit.*** The maximum height of a flag pole shall be 20 feet.
 3. ***Maximum Sign Area per Sign.*** The maximum area of a flag shall be 24 square feet. No single dimension shall exceed eight feet.
 4. ***Duration.*** All pole structures and flags must be removed no later than five days after sales activity in the subdivision ceases.
 5. ***Building Permit Required.*** Residential subdivision flagpoles shall not be installed without issuance of a building permit, and must conform to the above listed regulations.
 6. ***Standard Subdivisions.*** The number, location, height, and size of flags for a standard subdivision shall be determined through Site Plan approval.
 7. ***Planned Unit Developments.*** The number, location, height, and size of flags for a subdivision created as a Planned Unit Development (PUD) shall be determined through the processing of a Conditional Use Permit for the PUD.

15-2217 Master Sign Program (MSP)

- A. **Projects Requiring a MSP.** A MSP is required for the following types of projects:
1. ***Multi-family Residential.*** Developments of 50 or more units
 2. ***Nonresidential or Mixed Use Projects.*** All new non-residential or mixed use projects of two or more separate tenants.
 3. ***Multiple Signs.*** Proposals for five or more signs on the same building or site with one or two tenants.
 4. ***Planned Development District.*** Any project in a PD District or using the Planned Development provisions of this Code.
 5. ***Pole Signs.*** Proposals to erect a pole sign.

6. **Electronic Signs.** Signs with electronic copy.
- B. **Required Submittals.** An application of approval of a MSP shall contain the following information:
1. A site plan showing the location of buildings, parking lots, driveways, and landscaped areas;
 2. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed;
 3. An accurate indication on the site plan of the proposed location of each proposed sign and existing sign which is to remain;
 4. Color schemes, lettering, and graphic styles (if tenants are not known, generic styles may be presented);
 5. Lighting and sign construction materials; and
 6. Sign dimensions (if tenants are not known, generic dimensions may be presented).
- C. **Review Authority.** A MSP shall be reviewed and acted upon by the Development Director. In the case of projects that require other approvals from the Planning Commission or City Council, the decision-making authority for the other approval shall be the decision-making authority for the MSP.
- D. **Findings Required.** A MSP may be approved only if the following findings are made:
1. The proposed signs are compatible in style and character with any building to which the signs are to be attached, any surrounding structures, and any adjoining signage on the site;
 2. Future tenants will be provided with adequate opportunities to construct, erect, or maintain a sign for identification; and
 3. Directional signage and building addressing is adequate for pedestrian and vehicular circulation and emergency vehicle access.
- E. **Conditions.** Reasonable conditions of approval may be imposed by the review authority to achieve the purposes of this section and ensure compatibility with adjacent land uses and signage.
- F. **Post-Approval Procedures.** After approval of a MSP, no signs shall be erected, placed, painted, or maintained, except in conformance with such program, and such program may be enforced in the same way as any provision in this section.
1. **Lease Agreements.** The MSP and all conditions of approval shall be attached to the lease agreements for all leasable space within a project.
 2. **Individual Signs.** Any sign that conforms to an approved MSP may be approved by the Director; however, approval of a MSP does not waive the permit requirements for individual signs.
 3. **Amendments.** The Director may approve minor amendments to a MSP that are in substantial conformance with the original approval. All other amendments, including amendments to conditions of approval shall be processed as a new application.

15-2218 Historic Signs

- A. **Designation.** The Council may designate historic signs following a duly-noticed public hearing and a recommendation from the Historic Preservation Commission.
- B. **Criteria.** Historic signs must meet defined criteria, including, but not limited to, the fact that the sign is 50 or more years old and has significance to the Fresno community because it is associated with a significant historical event or it is associated with a historic business.
- C. **Allowances for Historic Signs.**
 - 1. **Structural Improvements.** Historic signs may have structural improvements completed in order to extend the life of the sign.
 - 2. **Damage Repairs.** If the sign is damaged, it may be repaired and replaced with the original sign area and original height, even if the sign does not conform to the standards of this Article.

15-2219 Electronic Copy

Electronic copy is subject to approval of a Master Sign Program and the following standards:

- A. **Display Duration.** Copy display is limited to a minimum duration of four seconds and a maximum of six seconds, and shall have an unlighted interval between copy displays of one second or more.
- B. **Light Intensity.** The intensity of the sign lighting shall not exceed 100 foot Lamberts (FT-L) when adjacent to streets which have an average light intensity of less than 2.0 horizontal footcandles and shall not exceed 500 FT-L when adjacent to streets which have an average light intensity of 2.0 horizontal footcandles or greater. No change of lighting intensity may occur during a display or between displays except to respond to a change in ambient lighting conditions.

15-2220 Nonconforming Signs

All permanent signs which were erected and in existing prior to the effective date of this section or prior to annexation to the City, and which were at the time of such erection or establishment in compliance with all applicable statutes and ordinances, are nonconforming signs and subject to the provisions of Article 4, Nonconforming Uses, Structures, and Lots, and the following:

- A. **Continuance and Maintenance.** Nonconforming signs that were legal when first installed, and which have not been modified so as to become illegal, may be continued, except as otherwise provided for in this subsection.
 - 1. Routine maintenance and repairs may be performed on signs that are nonconforming.
 - 2. A sign that did not conform to law existing at the time of its erection shall be deemed an illegal sign and shall not be a nonconforming sign. The passage of time does not cure illegality from the outset.

- B. **Alterations and Additions to Nonconforming Signs.** No non-conforming sign shall be moved, altered, or enlarged unless required by law or unless the moving, alteration or enlargement will result in the elimination of the nonconformity.
- C. **Restoration of a Damaged Sign.** Whenever a nonconforming sign is destroyed by fire or other calamity to the extent of 50 percent or less, the sign may be restored to display the pre-existing sign area and the nonconforming use of the sign may be resumed, provided that restoration is started within one year and diligently pursued to completion and the height of the restored sign conforms to the standards of this article.
 - 1. Whenever a nonconforming sign shall be destroyed by fire or other calamity to a greater extent than 50 percent, or is voluntarily razed or shall be required by law to be razed, the sign shall not be restored except in full conformity with this article.
- D. **Signs Rendered Nonconforming by Annexation.** Any sign that becomes nonconforming subsequent to the effective date of this Code by reason of annexation to the City of the territory upon which the sign is located, shall be subject to the provisions of this article.

15-2221 Maintenance of Signs

All signs and associated supporting structures shall be maintained in good condition, without rips, tears, and similar damage.

- A. **Deteriorated Signs.** Any sign or sign structure that is sagging, leaning, fallen, decayed, broken, deteriorated, or other dilapidated condition shall be promptly repaired, to the satisfaction of the City, or removed.
- B. **Graffiti.** Graffiti on a sign shall be removed within 48 hours of notice of its placement on such sign.
- C. **Maintenance Standards.** All parts, portions, units, and materials composing a sign, together with the frame, background, surface, support, or enclosure shall be maintained in a safe condition, painted, and adequately protected from weathering with all braces, bolts, and structural parts, supporting frames, and fastenings reasonably free from deterioration, rot, rust, and loosening so that they do not create a hazard to persons, or property or constitute a nuisance.
- D. **Summary Removal of Hazards.** Whenever any sign, by virtue of its physical nature and condition, poses an immediate and serious threat to the public safety, it may be removed by City personnel, or have its physical deficiency cured, to the extent necessary to protect the public safety. The cost of such removal or repair shall be assessed against the sign owner.

15-2222 Removal of Signs

- A. **Signs That Have Been Abandoned.** An on-site sign that identifies a business, lessor, or owner whose use of the premises has ceased for a period of not less than 60 days shall be removed by the owner or lessee of the premises upon which the sign is located. Any sign not removed within the required period shall constitute a nuisance and shall be removed.
- B. **Demolition or Clearance of the Site.** Should a site be cleared, signs, including poles, foundations, etc., shall be removed. This includes sites that are cleared for redevelopment.

C. **Nonconforming Sign Removal.** See Section 15-2221, Nonconforming Signs.

15-2223 Prohibited Signs

Unless expressly allowed by another subsection of this article or other applicable law, the following sign types, locations, and materials are prohibited:

- A. **Animated Signs.** Animated, flashing, blinking, reflecting, revolving, or other similar signs, or signs with visibly moving or rotating parts or visible mechanical movement of any kind, rolling or running letters or message.
- B. Banners, streamers, and pennants.
- C. Balloons, inflated signs and fixtures.
- D. **Light Bulb Strings and Exposed Tubing.** External displays which consist of unshielded light bulbs, festoons, and strings of open light bulbs.
- E. **Outdoor Advertising Signs.** Billboards and any other off-premises outdoor advertising signs which convey a commercial message as their primary purpose. This provision, however, does not prohibit agreements to relocate presently existing, legal billboards, as encouraged by Business and Professions Code Section 5412, so long as such agreements are not contrary to state or federal law.
- F. **Roof Signs.** Roof Signs, including signs mounted or painted on roofs, except building street address, name, or other information that will assist law enforcement personnel in locating the building from the air painted on a flat roof and not visible from the public right-of-way.
- G. **Signs on Doors, Windows, or Fire Escapes.** Signs shall not be located or installed on any door, window, or fire escape that will prevent free ingress or egress. No sign shall be attached to any standpipe or fire escape, except those required by other codes.
- H. **Snipe Signs.** All off-site signs, tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, trailers, temporary construction barriers, or other supporting structures.
- I. **Signs in the Public Rights-of-Way.** Unless otherwise noted, no inanimate sign shall be affixed within median strips or islands, on sidewalks, trees, retaining walls, bridges, benches, traffic signals, public fences, poles or utility equipment, street lighting, utility poles, traffic signs, or traffic sign posts, supporting structures, anchor wires, or guy wires.
- J. **Signs That Produce Noise or Emissions.** Signs that produce noise or sounds that can be heard at the property line, excluding voice units at menu boards, and signs that emit visible smoke, vapor, particles, or odors.
- K. **Signs Creating a Traffic Hazard or Affecting Pedestrian Safety.** Signs placed or located in such a manner as to constitute a safety hazard or to impede the public use of the public right-of-way.
 - 1. ***Exits and Entrances.*** No sign shall be placed, mounted, erected, or installed in any manner that obstructs the use of any door, window, or fire escape.

2. ***Sidewalks.*** No sign shall be mounted or displayed in such a manner that it blocks or impedes the normal pedestrian use of public sidewalks.
3. ***Intersections.*** No sign shall be erected or maintained at or near any street intersection that will obstruct the free and clear vision of drivers and pedestrians. Other than traffic control signals, no sign shall be installed in the visibility triangle at intersections pursuant to Section 1516, Intersection Visibility.

Article 23 Standards for Specific Uses and Activities

Sections:

15-2301	Purpose
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15-2304	Abandoned Service Stations and Carwashes
15-2305	Adult-Oriented Businesses
15-2306	Alcohol Sales (On-Site Sales)
15-2307	Alcohol Sales (Off-Site Sales)
15-2308	Animal Keeping
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15-23xx	Commercial Agriculture
15-2317	Commercial Modular Buildings
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15-2326	Demolition and House Moving
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15-2338	Manufactured Homes
15-2339	Mobile Commercial Washing
15-2340	Mobile Vendors
15-2341	Motorcycle/Riding Clubs
15-2342	Outdoor Cooking for Commercial Purposes

15-2343	Outdoor Dining and Patio Areas
15-2344	Outdoor Retail Sales
15-2345	Pay Phones
15-2346	Personal (Mini) Storage
15-2347	Pool and Billiards
15-2348	Power Poles
15-2349	Private Recreational Sports Facilities
15-2350	Recycling Facilities
15-2351	Restaurants with Alcohol Sales; Bars and Nightclubs
15-2352	Roadside Fruit Stands / Grower Stands
15-2353	Second and Outdoor Kitchens
15-2354	Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters
15-2355	Service Stations
15-2356	Shooting Ranges / Archery Ranges
15-2357	Single Room Occupancy Hotels and Boarding Homes
15-2358	Tattoo or Body Modification Parlors
15-2359	Telecommunications and Wireless Facilities
15-2360	Temporary Uses
15-2361	Tobacco and Vapor Shops
15-2362	Transitional and Supportive Housing
15-2363	Utility Meters / Second Meters
15-2364	Vehicle Impound Yard (Tow Yard) and Transit Storage
15-2365	Walk-Up Facilities
15-2366	Water Wells
15-2367	Wrecking Yards and Auto Dismantling

15-2301 Purpose

The purpose of this article is to establish standards for specific uses and activities that are permitted or conditionally permitted in several or all districts. These provisions are supplemental standards and requirements to minimize the impacts of these uses and activities on surrounding properties and to protect the health, safety, and welfare of their occupants and of the general public.

15-2302 Applicability

Each land use and activity covered by this article shall comply with the requirements of the section applicable to the specific use or activity, in addition to any applicable standard this ordinance requires in the district where the use or activity is proposed and all other applicable provisions of this ordinance and the following:

- A. The uses that are subject to the standards in this article are allowed only when authorized by the planning permit required by base district regulations, such as a Conditional Use Permit, except where this article establishes a different planning permit requirement for a specific use.
- B. An existing Specific Use shall not be subject to this section if the use is in compliance with existing conditions of approval established by an existing planning permit.

15-2303 Accessory Uses

An accessory use shall be incidental, related, appropriate, and clearly subordinate to the main use of the principal use or building to which it relates under the same regulations as the main use in any zoning district, where accessory use does not alter the principal use. These regulations are found in the use regulations tables in Article II, Base and Overlay Districts, and may be subject to specific standards found in this article or within each district, as specified in the tables. Accessory uses and structures are also subject to the development and site regulations found in Article 16, General Site Regulations.

15-2304 Abandoned Service Stations and Carwashes

- A. **Abandonment.** Any service station and/or carwash shall, in the case of abandonment or non-operation of the primary use, be declared a Public Nuisance and shall be dismantled and the site cleared within 12 months subsequent to the close of the last business day or whenever the facility stops selling fuel, whichever occurs first.
1. **Exception.** Any service stations or carwashes certified on the Local Official Register of Historic Resources.
- B. **Conversions of Service Stations.** A Discretionary Permit authorizing the conversion of a service station to any other use shall be subject to the following:
1. Ancillary equipment, not including the main building, including all pumps, pump islands, fuel pump canopies, signs, insignias, trademarks, their supporting structures, mountings, foundations, and gas price signs, and all other above-ground improvements which are uniquely associated with service station and/or carwash operations shall be dismantled and removed from the site to a waste disposal or recycling facility permitted for receipt of such debris.
 2. Pumps and pipes related to the delivery and disposal of petroleum products shall be removed.
 3. Aboveground and underground apparatus need to be removed in accordance with directives of all regulatory agencies.
 4. The converted service station site shall be resurfaced and landscaped in a manner appropriate to the proposed use.
- C. **Site Clearance.** Should the site be cleared, all equipment per Subsection B above and signs shall be removed.

15-2305 Adult-Oriented Businesses

- A. **Purpose.** Certain types of Adult-Oriented Businesses possess characteristics that may be determined to be objectionable, and when concentrated may be found to have a deleterious effect upon adjacent areas. Therefore, special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood nor create an adverse effect on minors.
- B. **Public Nudity.** Refer to Section 9-2602 of the Municipal Code.

- C. **Criteria for Granting a Use Permit.** Where an Adult-Oriented Business is conditionally permitted by the zoning district regulations, the Planning Commission, or City Council upon appeal, shall approve a Conditional Use Permit only if it finds that the proposed facility or use complies with the regulations specified in this section. Reasonable conditions may be imposed, such as limitation on hours of operation, exterior lighting, display materials, and other similar conditions, as may be necessary to protect the public health, safety, and welfare.
- D. **Standards.** Adult-Oriented Businesses must comply with the following development and operational standards.
1. **Location.** Adult-Oriented Businesses shall be located the following minimum distances:
 - a. From any Residential District or existing residence: 1,000 feet.
 - b. From any educational institution, including but not limited to public or private school, nursery schools or child-care nurseries, religious and/or cultural institution or private or public park: 1,000 feet.
 - c. From another Adult-Oriented Business: 1,000 feet.
 2. **Hours of Operation.** Hours of operation of the business shall be limited to the time period between 8 a.m. and 10 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, and from 8 a.m. to 11 p.m. on Friday and Saturday.
 3. **Display.** No Adult-Oriented Business shall display or exhibit any material in a manner which exposes to the public view photographs or illustrations of specified sexual activities or naked adults in poses which emphasize or direct the viewer's attention to the subject's genitals. Adult newsracks are subject to this limitation.
 4. **Security Program.** An on-site security program shall be prepared and implemented as follows:
 - a. **Exterior Lighting.** All off-street parking areas and building entries serving an adult business shall be illuminated during all hours of operation with a minimum maintained horizontal illumination of one foot-candle of light on the parking surface and/or walkway.
 - b. **Interior Lighting.** All interior portions of the adult business, except those devoted to mini-motion or motion pictures, shall be illuminated during all hours of operation with a lighting system that provides a minimum maintained horizontal illumination of not less than two foot-candles of light on the floor surface.
 - c. **Security Guards.** Security guards for adult businesses may be required if it is determined by the Fresno Police Department that their presence is necessary in order to prevent any unlawful conduct from occurring on the premises.
- E. **Site Conditions.**
1. **Façade.** For existing buildings, pictures of the building(s) must be provided to the City upon submittal of a Conditional Use Permit application. The exterior of the building(s) may be required to be repainted and repaired if needed.

2. **Landscaping.** The site shall comply with all landscaping requirements in place at the time of application.
 3. **Litter.** The exterior, including all signs and accessory buildings and structures, shall be maintained free of litter at all times. The owner or operator shall provide for daily removal of trash, litter and debris from premises and on all abutting sidewalks within 20 feet of the premises.
 4. **Graffiti.** The owner or operator shall remove graffiti within 48 hours.
 5. **Pay Telephones.** Pay phones shall comply with Section 15-2345, Pay Phones.
- F. **Definitions.** Unless otherwise specifically provided, the terms used in this section shall have the following meanings:
1. **Specified Sexual Activities.** Specified sexual activities means:
 - a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following depicted sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism or zooerasty;
 - b. Clearly depicted human genitals in a state of sexual stimulation, arousal, or tumescence;
 - c. Use of human or animal masturbation, sodomy, oral copulation, coitus, or ejaculation;
 - d. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast;
 - e. Masochism, erotic or sexually oriented torture, beating, or infliction of pain;
 - f. Erotic or lewd touching, fondling, or other contact with an animal by a human being;
 - g. Human excretion, urination, menstruation, vaginal, or anal irrigation;
 - h. Any combination of the above items a through g.
 2. **Specified Anatomical Areas.** Specified anatomical areas means less than completely and opaquely covered:
 - a. Mature human genitals,
 - b. Mature human buttock,
 - c. Mature human female breast below a point immediately above the top of the areola;
 - d. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

3. ***Exposes to Public View.*** Exposes to the view of persons outside the building in which such adult entertainment facility is located.
- G. **Adult-Oriented Business Types.** Adult-Oriented Businesses include, but are not limited to the following types of businesses.
1. ***Adult Newsrack.*** Any coin-operated machine or device that dispenses material substantially devoted to the depiction of “specified sexual activities” or “specified anatomical areas.”
 2. ***Adult Bookstore.*** Any building, or portion thereof, in which 25 percent or more or 500 square feet, whichever is less, of any one or more of the following:
 - a. Wall space;
 - b. Any display area other than wall space (e.g. tables, racks, and/or any other display areas or structures) or stock in trade (inventories not on display, but on-site).
 3. ***Adult Entertainment Facility.*** An adult newsrack, adult bookstore, adult motion picture theater, adult hotel or motel, adult motion picture arcade, cabaret, model studio, sexual encounter center, or any other sex business, or any combination of two or more of such uses.
 4. ***Adult Motion Picture Arcade.*** Any place to which the public is permitted or invited wherein coin- or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images where the images so displayed are distinguished or characterized by an emphasis on depicting or describing “specified sexual activities” or “specified anatomical areas.”
 5. ***Adult Motion Picture Theater.*** A building or portion thereof, or area, whether open or enclosed, used for presenting material in the form of motion picture film, videotape, or other means which is substantially devoted to the depiction of “specified sexual activities” or “specified anatomical areas” for observation by persons therein..
 6. ***Adult Novelty Store.*** A building, or portion thereof, in which 25 percent or more of the display area for devices, instruments, or paraphernalia is used for the distribution, sale, offer for sale and/or rental or offer for rental of any device, instrument, or paraphernalia evidently designed or marketed for sexual stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others. Such devices, instruments, or paraphernalia include, but are not limited to, phallic-shaped vibrators, dildos, muzzles, whips, chains, bather restraints, racks, non-medical enema kits, body-piercing implements (excluding earrings or other decorative jewelry) or other evident tools of sadomasochistic abuse.
 7. ***Adult Video Store.*** A building, or portion thereof, in which 25 percent or more of any one or more of the following: Wall space or any display area other than wall space (e.g. tables, racks, and/or any other display areas or structures) or stock in trade (inventories not on display but on site) or gross revenues or advertising and other promotion of video, video cassettes, slides, tapes, films, compact discs, blu-ray, etc., motion pictures in which 25 percent or more of the description, display time, or depiction is devoted to the

presentation of "specified sexual activities" or "specified anatomical areas" as defined in this article.

8. ***Cabaret.*** A nightclub, theater, or other establishment which features live performances by topless and/or bottomless dancers, "go-go" dancers, exotic dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
9. ***Model Studio.*** Any business where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity. This does not apply to accredited educational institutions which may employ models in fine art courses.
10. ***Sexual Encounter Center.*** Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two or more persons, not all members of the same family, may congregate, assemble, or associate for the purpose of engaging in "specified sexual activities" or exposing "specified anatomical areas."
11. ***Other Sex Business.*** Any other business or establishment which offers its patrons goods, services, or entertainment, or any combination thereof, characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," including such types of business known as adult dance studios, men's social clubs, and music studios which meet such definition.

15-2306 Alcohol Sales (On-Site Sales)

Off-Site Alcohol Sales, as determined by the State of California, Alcoholic Beverage Control, shall be permitted per the Base District.

15-2307 Alcohol Sales (Off-Site Sales)

- A. **Use.** Establishments proposing the sale of alcoholic beverages for off-site consumption and existing establishments that are requesting to modify their license types, extend their hours of operation, or expand the floor area of the store, shall comply with standards below.
- B. **Landscaping.**
 1. ***New Buildings.*** Landscaping shall be provided per the underlying District.
 2. ***Existing Buildings.*** Perimeter landscaping and Parking Lot Shading standards per the applicable Property Development Standards for the District in which it is located. The Director may make exceptions to the prescribed standards, however in no case shall the reduction result in a net reduction of 35 percent or greater in the amount of landscaping provided. Landscaping may also be aggregated to minimize the impact on parking areas.
 - a. ***Deferment.*** The Director may enter into an agreement that allows the property owner to defer the installation of landscaping for a period not to exceed six months from the date of occupancy. The deferment agreement shall be in the form of a covenant between the landowner(s) and the City.

- C. **Lighting.** Exterior lighting of the parking area and premises shall be provided at a level sufficient to recognize the features of persons at any point on the property. Lighting shall be designed so as not to produce glare or illuminate nearby residential properties. Minimum illumination shall be two foot-candles with a uniformity ratio (average to minimum) of no more than 5:1.
- D. **Litter and Graffiti.**
1. Trash and recycling receptacles shall be provided by public entrances and exits from the building.
 2. The owner or operator shall provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises.
 3. The owner or operator shall remove graffiti within 48 hours.
- E. **Pay Phones and Vending Machines.** External pay phones and vending machines are permitted however they shall be located within 10 feet of the main entrance. Pay Phones shall comply with Section 15-2344, Pay Phones.
- F. **Video Surveillance.**
1. Stores with a floor area greater than 10,000 square feet may be exempted from these provisions with approval from the Chief of Police or their designee.
 2. At least one video surveillance camera must capture interactions occurring at the cashier counter at an angle and distance that provides some detail of customer profiles.
 3. At least one video surveillance camera must capture details of the area surrounding the entrance to the establishment.
 4. Cameras must be kept functional and record data for a span of no less than one week. Cameras may be set to only record when motion is detected as opposed to continuous recording.
- G. **Signage.**
1. No more than 15 percent of the square footage of each window and clear door that is visible to the public from a public thoroughfare, sidewalk, or parking lot of an off-sale alcohol retail outlet shall bear advertising, signs, or other obstructions of any sort.
 - a. The area covered by signs or advertising includes all clear areas within signs or advertising, such as the clear area within neon signs.
 - b. Signage, advertising, or other obstructions inside or outside the establishment that are not physically attached to the windows or doors but are visible from a public thoroughfare, sidewalk, or parking lot in the same manner as if they were physically attached is included in the 15 percent limitation.
 2. When possible, all advertising and signage on windows and clear doors shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlets, including the area in which the cash registers are maintained, from exterior public sidewalks, parking lots, or entrance to the outlets.

3. Any establishment located within 250 feet of a park, school (private or public), day care, or other youth-sensitive places (i.e., boys and girls club, youth activity centers) may not advertise alcohol sales in a manner visible from the outside of the establishment, such as from a public thoroughfare, sidewalk, or parking lot.
4. The provisions specified under Article 22, Signs also apply. Where conflict may occur between the provisions of Article 22 and this subsection, the more restrictive provisions shall govern, unless otherwise specified.

H. **Operational Requirements.**

1. The sale of alcoholic beverages for consumption on the premises shall be prohibited. There shall be appropriate posting of signs both inside and outside the premises that drinking both inside and outside the business establishment is prohibited by law.
2. Additional and/or security measures such as security guards, door monitors, and burglar alarm systems may be required if harm or related problems are demonstrated to occur as a result of business practices or operations, including, but not limited to, the congregation of minors, violence, drunkenness, vandalism, solicitation, and/or litter. This will be determined on a case-by-case basis upon review by the Fresno Police Department.

I. **Findings.** The following shall be added as required Conditional Use Permit findings.

1. ***Location.***
 - a. The proposed use would not be located within 500 feet of a school (private or public) or library. This requirement shall not apply to stores greater than 10,000 square feet.
 - b. The proposed use would not lead to the grouping of more than four off-premises sale of alcoholic beverage uses within a 1,000 foot radius from the exterior of the building containing the proposed use. This requirement shall not apply to stores greater than 10,000 square feet.
2. ***New Establishments in Areas of Undue Concentration.***
 - a. The proposed use is not located within an area in which the Chief of Police has determined, based upon quantifiable information, that the proposed use: (a) would be detrimental to the public health, safety, or welfare of persons located in the area; or (b) would increase the severity of existing law enforcement or public nuisance problems in the area; and
 - b. The proposed off-premises sale of alcoholic beverages is incidental and appurtenant to a larger retail use and provides for a more complete and convenient shopping experience.
 - c. At least one of the following additional findings:
 - i. The proposed outlet for the off-premises sale of alcoholic beverages would act as a public convenience or necessity to an underserved portion of the community and/or enhance the vitality of an existing

commercial area without presenting a significant adverse impact on public health or safety; or

- ii. The census tract in which the proposed outlet is located has a low population density in relation to other census tracts in the city, and the proposed outlet would not contribute to an over- concentration in the absolute numbers of outlets for the off-premises sale of alcoholic beverages in the area; or

An area of undue concentration is either:

- 1) a crime reporting district that has a 20 percent greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency and/or
 - 2) a census tract where the ratio of off-sale licenses to population in the tract exceeds the ratio of off-sale licenses to population in the county.
3. ***Modifications to Existing Establishments.*** No condition exists which has caused or resulted in repeated activities which are harmful to the health, peace, or safety of persons residing or working in the surrounding area, including, but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passerby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations or traffic safety issues based upon last alcohol use statistics, curfew violations, lewd conduct reports, or police detention and arrests.

- J. **Deemed Approved Use.** The provisions of Section 15-2307-J, shall be known as the Deemed Approved Alcoholic Beverage Sales Regulations. The purpose of these regulations is to promote the health, safety, and general welfare of the public by requiring that businesses which sell alcoholic beverages for off-site consumption and were nonconforming uses prior to the adoption of these regulations comply with the Deemed Approved Performance Standards listed under 15-2307-J.1.

"Deemed Approved Use" is defined as a business or entity which uses a building, structure, or site, or portion thereof, for the sale of alcoholic beverages (off-site), which was lawfully established prior to the adoption of the provisions found under Section 15-2307 A. through I. and maintained thereafter (not terminated for a period of 12 continuous months), and may not conform with those provisions. Where such an establishment was previously considered a nonconforming use, it shall now be known as a "Deemed Approved Use."

- 1. ***Deemed Approved Status.***
 - a. ***Automatic Approval.*** All businesses legally engaged in the off-site sale of alcoholic beverages prior to the adoption of the regulations found in Section 15-2307 A. through H. shall automatically become Deemed Approved Uses (as opposed to nonconforming uses). Each Deemed Approved Use shall retain this status as long as it complies with the Deemed Approved Performance Standards as specified in Section 15-2307-J.2.

- b. *Abandonment.* Whenever a Deemed Approved Use discontinues active operation for a continuous period of 12 months, such Deemed Approved Use shall not be resumed. Furthermore, if another use has been substituted before the lapsing of 12 months, the original Deemed Approved Use may not be resumed thereafter.
 - c. *Revocation.* A Deemed Approved Use that does not comply with the Deemed Approved Performance Standards may have its status revoked and be required to discontinue off-site alcohol sales. For the purposes of revocation, the Deemed Approved status shall be equivalent to a permit following Section 15-4014 Revocation of Permits and Article 53, Enforcement.
- 2. ***Deemed Approved Performance Standards.*** An establishment shall retain its deemed approved status only if it conforms to all of the following performance standards:
 - a. The establishment does not result in adverse effects to the health, peace, or safety of persons residing or working in the surrounding area.
 - b. The establishment does not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area.
 - c. The establishment does not result in repeated nuisance activities within the premises or in close proximity of the premises, including, but not limited to: disturbance of the peace; illegal drug activity; public drunkenness; drinking in public; harassment of passersby; gambling; prostitution; sale of stolen goods; public urination; theft; assaults; batteries; acts of vandalism; excessive littering; loitering; graffiti; illegal parking; excessive loud noises, especially in the late night or early morning hours; traffic violations; curfew violations; lewd conduct; or police detentions and arrests.
 - d. The establishment does not result in violations to any applicable provision of any other City or State regulation, ordinance, or statute.
 - e. The establishment's upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding area.
 - f. A copy of the performance standards and contact information for reporting noncompliance with the standards shall be either be posted or provided (e.g. via flyer or brochure) in a conspicuous and unobstructed place near the entrance, cashier counter, or customer service area of the establishment for public review.

15-2308 Animal Keeping

Animal keeping is allowed as an accessory use to a primary residential use. Animals may be kept in compliance with the following standards:

- A. **Pre-Existing Uses.** Any legally established nonconforming animal keeping use shall be allowed to continue however animals may not be replaced after they are removed from the home and/or are deceased.
 - 1. ***Exceptions.*** On parcels that previously permitted horses that became nonconforming upon adoption of this Code, horses may be replaced and/or exchanged so long as the

total number of horses is not increased to a number greater than what was previously permitted.

B. Lots of 36,000 Square Feet or Less in Residential Districts. Household Pets are permitted subject to the following.

1. ***Permitted Household Pets.*** Household Pets such as domestic dogs, cats, birds, etc., that are ordinarily permitted inside of a dwelling and kept only for the company and pleasure provided to the occupants shall be permitted. Owners must ensure that the keeping of permitted animals shall not create a health or nuisance problem.
 - a. *Cats or Dogs.* At no time shall the number of cats or dogs exceed four animals over the age of four months.
 - b. *Aviaries (Raising for Non-Commercial Purposes).* Not to exceed 24 animals.
 - c. *Falcons.* Permitted with a valid falconry license issued by the California Department of Fish and Game.
 - d. *Small Household Pets (Hamsters, Guinea Pigs, Cavy, Domesticated Rodents, Turtles, Nonpoisonous Amphibians, Nonpoisonous Reptiles).* Any combination not to exceed 10.
 - e. *Fish.* Unlimited (for non-commercial purposes).
 - f. *Bee Keeping.* Limited to Apis Mellifera and a maximum of five hives.
2. ***Prohibited Pets.*** Household Pets shall not include horses, miniature horses (except as a guide animal), cows, goats, sheep or other equine, bovine, ovine or ruminant animals, pigs, chickens, ducks, geese, turkeys, game birds, or fowl that normally constitute an agricultural use.
 - a. *Fish Farms.* Not permitted.

C. Lots of 36,001 Square Feet or More in Residential Districts. In addition to Household Pets, the following are permitted:

1. ***Permitted Pets.*** The keeping of horses, cows, goats, sheep or other equine, bovine, ovine or ruminant animals is permitted, as are those identified in Subsection B above.
 - a. *Cats or Dogs.* At no time shall the number of cats or dogs exceed six animals, over the age of four months.
 - b. *Aviaries (Including Aviaries for Commercial Purposes).* Not to exceed 75 animals.
 - c. *Large Animals.* Up to two animals per acre; however their immature off-spring less than one 1 year of age is also permitted. Pigs are not permitted.
 - d. *Chickens, Ducks, Geese, Turkeys, Game Birds, or Fowl.* Total number shall not exceed 12 birds per gross acre.
2. ***Setbacks.*** All animals other than household pets shall be housed or penned at a minimum distance of 40 feet from property lines and 50 feet from neighboring residences. All areas and structures used in conjunction with the keeping of animals other than household pets shall be maintained and cleaned so as not to present a public hazard or nuisance.

D. **Buffer Districts and Annexation Overlay Districts.**

1. Household Pets and Pets as permitted pursuant to Subsections B and C based on lot size.
2. For parcels greater than one acre, Large Animals shall not exceed two animals per acre; however their immature off-spring less than one 1 year of age is also permitted. Pigs are not permitted.

E. **Residential in Non-Residential Districts.** Household pets are permitted pursuant to Subsection B.

F. No wild animals, roosters, endangered or protected animals are allowed to be raised within the City.

G. The offspring of any permitted animal may be kept until weaned, unless they would exceed the total number of animals allowed.

15-2309 Arcades, Video Games, and Family Entertainment Centers

A. **Video Games and Amusement Devices.**

1. **12 or Less Amusement Devices/Rides.** Any commercial establishment may have up to 12 amusement devices/rides, including skilled or non-skilled games (e.g., electronic video games, pinball machines, pinball, target games, air hockey, foosball, ping pong, darts, shooting games [i.e., nonlethal projectiles], bowling games, shuffleboard, movie machines, etc.) for the enjoyment of patrons.
2. **13 or More Amusement Devices/Rides.** If 13 or more, skilled or non-skilled devices are provided, the use shall be classified as a Video Game Arcade, unless the amusement devices are part of a Family Entertainment Center (refer to Subsection C).
3. **Employee Presence.** An establishment with video games, amusement devices/rides, regardless of the number, shall have an employee present during all hours of operation.

B. **Family Entertainment Restaurants.**

1. **Food Sales.** Food sales shall be the primary use on the site.
2. **Number of Devices.** Per Section A above, there shall be no more than 12 amusement devices, rides and/or attractions, or combination thereof.
3. **Children's Indoor Play Areas.** May be permitted in any district where a restaurant is permitted. Activities commonly include skilled and non-skilled games, including children's play stations, video games, pinball, air hockey, etc.
4. **Children's Outdoor Play Areas.**
 - a. **500 Square Feet or Less.** Restaurants may have up to 500 square feet dedicated to playgrounds/children's equipment.
 - b. **Greater than 500 Square Feet.** Should the outdoor area exceed 500 square feet, it shall be considered a Family Entertainment Center for permit purposes.

5. ***Outdoor Dining.*** For Outdoor Dining, refer to Section 15-2343, Outdoor Dining and Patio Areas.
6. ***Nightclub/Dancing.*** Permitted in accordance with Section 15-2351, Restaurants with Alcohol Sales; Bars and Nightclubs.
7. ***Parking.*** Parking for the dining area shall be calculated per the Restaurant standards while parking for the Entertainment area shall be determined per Article 20, Parking and Loading.

C. **Family Entertainment Centers.**

1. ***Food.*** Family Entertainment Centers may, but are not required to serve food.
2. ***Indoor Activities.*** Attractions typically include, but are not limited to, water slides, wake boarding facilities, amusement rides, bumper cars and boats, go-carts, miniature golf, trampolines, bounce houses, rock climbing, video arcades, laser tag, paint ball, airsoft, batting cages, skate ramps, miniature basketball, miniature bowling, etc. Additional attractions may be appropriate, as determined by the Director. All Indoor Activities that generate noise must comply with Section 15-2106, Noise.
3. ***Outdoor Activities.***
 - a. For batting cages, paintball, airsoft, or similar activities, fences, nets, or walls shall be provided that are capable of stopping all projectiles fired and/or hit by containing or redirecting the projectile to the backstop.
 - b. Outdoor activities, such as batting cages, paintball, amusement rides, and go-karts that may generate unwanted noise, shall cease at 10 p.m. unless separated by 400 feet or greater from a Residential District.
 - c. ***Fencing.*** Fencing for outdoor activities shall be reviewed on a case-by-case basis. Consideration shall be given to streets, homes, etc.
4. ***Nightclub/Dancing.*** Permitted in accordance with Section 15-2351, Restaurants with Alcohol Sales; Bars and Nightclubs.
5. ***Parking.*** If dining is proposed as part of the Family Entertainment Center, parking for the dining area shall be calculated per the Restaurant standards while parking for the remainder of the site shall be determined per Article 20, Parking and Loading.

15-2310 Automobile and Motorcycle Sales and Leasing

Automobile, Recreational Vehicle, Boat and/or Motorcycle Retail Sales and Leasing (collectively referred to as Dealerships in this Section), establishments shall be located, developed and operated in compliance with following standards unless otherwise noted below.

- A. **Existing Dealerships.** Existing Dealerships may continue to operate and may change ownership/s if either of the following apply:
 1. ***Existing Dealerships Established by Site Plan Review or Prior to December 14, 2001.*** An existing Dealership may continue to operate and change ownership if the site

has had a continuous business license to operate as a Dealership and any of the following apply:

- a. There is an approved entitlement for the site as use a dealership and all conditions have been met;
- b. The owner or applicant provide evidence satisfactory to the Director that the site is in compliance with an approved entitlement for an auto dealer; or
- c. There is evidence, to the satisfaction of the Director, that the site was established as a Dealership prior to December 14, 2001 and that the site has been continuously used as such.

2. ***Existing Dealers Established After December 21, 2001.*** An existing Dealership may continue to operate and change ownership if the following conditions are met:

- a. There is an approved Conditional Use Permit or Site Plan Review for the site as use a dealership and all conditions have been met;
- b. The site has not been vacant for longer than one year;
- c. The site has not been used for another use, other than a Dealership;
- d. The site has had a business license to operate as a Dealership within one year; and
- e. The owner or applicant provide evidence satisfactory to the Director that the site is in compliance with an approved entitlement for an auto dealer.

B. **New Dealerships.** New Dealerships shall comply with the following conditions:

1. ***Minimum Parcel Size.*** One-half acre (21,780 square feet). Should multiple uses exist on a site, a minimum 21,780 square feet shall be dedicated for the sole use as a Dealership.
2. ***Display Areas.*** Products may only be displayed in approved areas.
3. ***Landscaping and Screening.***
 - a. A screen wall of seven feet in height shall be provided along all property lines adjacent to a residential use or district.
 - b. A landscaped planter with a minimum inside width of 10 feet and enclosed within a six-inch-high curb shall be provided along the front and street side property lines, except for vehicular circulation openings, unless a greater landscape setback is required by the underlying zone district or operative plan. Vehicles may not be displayed in required landscaped areas.
 - c. Additional screening and landscaping, as determined by the Director may be required where necessary to prevent visual impacts on adjacent properties.
4. ***Lighting.*** Lighting of the facility shall be oriented away, and shielded from neighboring residential properties. In addition, the lighting shall not be excessively intense so as to impact neighboring properties nor passing traffic on adjacent streets.

5. **Signs.** On-site signs advertising the business shall strictly adhere to the requirements of the Fresno Municipal Code and adopted plans and policies. Any non-conforming sign must be removed or made to conform prior to operation of the facility.
 6. **Parking.** Refer to Article 20, Parking and Loading.
 7. **Operational Conditions.**
 - a. Vehicles for sale shall not be displayed outside of the display area as designated by the approved permit
 - b. There shall be no test driving of vehicles into residential neighborhoods.
 - c. There shall be no off-site sales conducted by any dealership.
 - d. Vehicles being worked on or awaiting service or pick-up shall be stored within an enclosed building or in a parking lot on the property that is screened. Unattended vehicles may not be parked or stored on the sidewalk adjoining the property, in the street, or in any portion of the public right-of-way within the City.
 - e. Automotive servicing or repair is permitted as an accessory use for automobile/vehicle dealers that offer maintenance and servicing of the type of vehicles sold on site. All auto repairs shall occur within an enclosed building.
- C. **Indoor Dealerships.** Dealerships that display vehicles solely indoors are not subject to the minimum parcel sizes and are not subject to a Discretionary Permit.

15-2311 Automobile/Vehicle Service and Repair, Major and Minor

Automobile/vehicle service and repair uses, including preventive maintenance (i.e., and oil, air filters, belt replacements, etc.), engine, tire, wheel alignment, brakes, cooling system, radiator, muffler, emissions, transmission services, body and fender shops, upholstery, window repair, window tinting, radio/video installation, alarms, etc., as well as any other uses, such as auto dealerships or service stations, that perform auto servicing as an accessory activity, are subject to the following standards.

- A. **Design.**
 1. Service bay openings shall be designed to minimize the visual intrusion on surrounding streets and properties. Bay doors shall be screened from public right of way to the greatest degree feasible. On corner lots fronting two or more streets with different classifications in the General Plan, bay doors shall face the street with the highest classification, unless the bay doors are screened from both streets.
 2. Designs shall incorporate landscaping and half screen walls to screen vehicles while allowing eye level visibility into the site.
- B. **Work Areas.** All work shall be conducted within an enclosed building except: pumping motor vehicle fluids, checking and supplementing fluids, and mechanical inspection and adjustments not involving any disassembly.
- C. **Vehicle Storage.** Vehicles being worked on or awaiting service or pick-up shall be stored within an enclosed building or in a parking lot on the property that is adequately screened, with

an earth berm or Screen Wall, or combination thereof or a building. Screen Walls shall be located on property lines with the exception of yards along streets, where the Screen Wall shall be located at outside of required setbacks. Unattended vehicles may not be parked or stored on the sidewalk adjoining the property, in the street, or in any portion of the public right-of-way within the City. Screen Walls are not required when the site is located in an Industrial District that abuts a local street (major streets are required to have a Screen Wall). For Screen Wall standards, refer to Section 15-1608-C..

- D. **Equipment, Product, and Vehicle Parts Storage.** Exterior storage, including tires, shall not be visible from major streets or residential districts.
- E. **Water Runoff.** Water runoff shall be property treated and determined by the Dept. of Public Utilities and the Fresno Metropolitan Flood Control District.
- F. **Spray/Paint Booths.** Spray Booths shall be screened from major streets and shall be separated a minimum of 100 feet from Residential Districts, Parks, public or private Schools (K-12), and Daycare Centers.
- G. **Litter.** The premises shall be kept in an orderly condition at all times. No used or discarded automotive parts or equipment or permanently disabled, junked, or wrecked vehicles may be stored outside a building, unless screened.

15-2312 Automobile/Vehicle Washing

A carwash facility shall undergo a design review of architecture, style, and appearance to ensure similarity and compatibility with surrounding residential, commercial, and industrial development. Facilities are subject to the following standards:

- A. **Design.**
 - 1. Buildings shall incorporate similar design features as the main building.
 - 2. Significant architectural or landscape features shall be provided at the corner of intersecting streets to enhance the streetscape.
 - 3. No building or structure shall be located within 30 feet of any public street or within 20 feet of any property line of a residential use or residential district.
 - 4. Noise-generating uses, such as auto service bays, car wash openings, vacuum stations, outdoor loading areas, garbage storage and stacking lanes, shall be located away from sensitive uses such as residential areas and schools.
 - 5. All canopies/shade structures shall be made of permanent material.
 - 6. Buildings and equipment shall be painted in similar color tones to those found in the surrounding neighborhood.
- B. **Landscaping.**
 - 1. There shall be a 20 foot landscape setback along all streets.
 - 2. There shall be a 10 foot landscape setback along Residential Districts.

3. Vehicle lanes for car wash openings shall be screened from public streets to a height of 30 inches. Screening devices shall consist of walls and/or berms with supplemental plant materials to screen vehicles while allowing eye-level visibility into the site.
- C. **Washing Facilities.**
1. Building openings for vehicle access shall be designed to minimize the visual intrusion on surrounding streets and properties.
 2. Service bay and/or drive-through openings shall be designed to minimize the visual intrusion on surrounding streets and properties.
 3. Lighting shall be designed to be low-profile, indirect or diffused, create a pleasing appearance, and avoid adverse impacts on surrounding uses.
- D. **Hours of Operation.** Washing facilities are limited to 7 a.m. to 11 p.m. When abutting or adjacent to a Residential District, the hours of operation are limited to 8 a.m. to 9 p.m., seven days a week.
- E. **Litter.** The premises shall be kept in an orderly condition at all times. Litter shall be collected daily.
- F. **Noise.** All vacuuming, amplified music, intercoms, or similar noise-generating equipment shall be reduced according to Section 15-2106, Noise.
- G. **Temporary Fundraising Carwashes.** Refer to Section 15-2360, Temporary Uses.

15-2313 Banquet Hall

Banquet Halls or event facilities, collectively referred to as Banquet Halls, may operate in conjunction with hotels or as standalone facilities. Banquet Hall activities include but are not limited to, formal dinners, receptions, reunions, benefits, and club meetings. Dancing may be provided in conjunction with said events. Should a Banquet Hall or event facility offers admission to the general public for the primary purpose of dancing, concerts, and similar activities, it shall be considered a nightclub and must adhere to the provisions thereto.

15-2314 Bed and Breakfast Lodging

Bed and breakfast establishments shall be located, developed, and operated in compliance with the following standards:

- A. **Type of Residence.** Bed and breakfast establishments must be located, developed, and operated within a single-unit dwelling.
- B. **Number of Rooms.** No more than two rooms may be rented. Additional rooms may be rented only with approval of a discretionary permit.
- C. **Appearance.** In all Residential Districts, the exterior appearance of a structure housing a bed and breakfast establishment shall not be altered from its single-family character.
- D. **Limitation on Services Provided.** Provisions for meals and rental of bedrooms shall be limited to registered guests. Separate or additional kitchens for guests are prohibited.
- E. **Parking.** Refer to Article 20, Parking and Loading.

15-2315 Body Preparation and Funeral Services

Body preparation, including embalming and cremations, and body viewing may be permitted subject to the regulations below. The following also applies to pets.

A. **Body Viewing/Visitation.**

1. ***Traditional Facilities.*** Body viewing, including funeral and chapel services, may be permitted in Religious Institutions, Cemeteries, Funeral Chapels, Funeral Homes, and Funeral Parlors.
2. ***Non-Traditional Facilities.*** Occasional funeral/chapel services may be held at Banquet Halls, Stadiums, Public Facilities, Social Halls, or similar facilities however the use shall be clearly incidental to the primary use. "Occasional," for this subsection, shall be defined as once per month.

B. **Body Preparation.** Body preparation, including the embalming of the body, may be permitted in Funeral Homes, Funeral Chapels, Funeral Parlors, or Mortuaries.

C. **Body Cremation.** In addition to the permit requirements of this Code, a permit is also required from the San Joaquin Valley Air Pollution Control District.

D. **Home Death Care.** A person may prepare a body for disposition in their home per the State of California Department of Consumer Affairs, Cemetery and Funeral Bureau. Funeral Services may not be held in homes.

15-2316 Check Cashing Businesses and Payday Lenders

A. **Applicability.** The standards of this section apply to new establishments and existing establishments where there is a 20 percent or greater expansion in serviceable floor area. For the purpose of this section, an establishment is considered new when no previous check cashing or payday lender existed at that location for a period of twelve months or greater. These regulations do not apply to state and federally chartered banks, savings associations, credit unions, or industrial loan companies.

B. **Maximum Number.** At no time shall the total number of check cashing and payday loan establishments be greater than one for every 25,000 residents of the City of Fresno.

C. **Location.** In addition to the Use Regulations as put forth for the base and overlay districts, locations in which check cashing and payday loan establishments are permitted shall also be subject to the following restrictions:

1. May not be located within a Census Tract where half of all households have a median household income of less than 80 percent of the state's median household income.
2. May not be located within 1,000 feet of another establishment of the same or similar use.
3. May not be located within 500 feet of the following:
 - a. Residential district.
 - b. A state or federally chartered bank, savings association, credit union, or industrial loan company.

- c. Schools, public or private.
 - d. Off-site alcohol sales (excluding stores 10,000 square feet or greater).
 - e. Existing or planned Bus Rapid Transit station.
- D. **Lighting.** Exterior lighting of the premises shall be provided at a level sufficient to recognize the features of persons at any point on the property.
- E. **Litter and Graffiti.**
 - 1. The owner or operator shall provide for daily removal of trash, litter, and debris from premises and on all abutting sidewalks within 20 feet of the premises.
 - 2. The owner or operator shall remove graffiti within 48 hours.
- F. **Pay Phones and Vending Machines.** External pay phones are permitted if located within 10 feet of the main entrance. Pay Phones shall comply with Section 15-2345, Pay Phones.
- G. **Video Surveillance.**
 - 1. At least one video surveillance camera must capture interactions occurring at the cashier counter at an angle and distance that provides some detail of customer profiles.
 - 2. At least one video surveillance camera must capture details of the area surrounding the entrance to the establishment.
 - 3. Cameras must be kept functional and record data for a span of no less than one week. Cameras may be set to only record when motion is detected as opposed to continuous recording.
- H. **Signage.**
 - 1. When possible, all advertising and signage on windows and clear doors shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlets, including counter/cashier area, from exterior public sidewalks, parking lots, or entrance to the outlets.
- I. **State and Federal Compliance.** Check Cashing and Payday Lending establishments shall hold, maintain, and be in compliance with all valid licenses and permits issued by the State of California and shall be compliant with all applicable state and federal laws.

15-23xx Commercial Agriculture

Refer to Section 12-306-N.11 of the Fresno Municipal Code.

15-2317 Commercial Modular Buildings

- A. **General Requirements.** Commercial Modular generally buildings fall under two categories: permanent modular or temporary modular, both of which shall be collectively be referred to as “Modulars” for this section.
 - 1. Permanent Modular buildings are usually considered real property, built to the same codes as conventional buildings.

2. Temporary Modular buildings are commonly considered personal property or equipment and are not permanently affixed to real estate. Temporary Modular buildings are often used as sales offices, classrooms, or for healthcare services.
- B. **Government Owned Property.** City-owned sites (e.g., parks) and buildings used during construction as either offices or to temporarily house offices are excepted from this section.
- C. **Underlying Districts.** The underlying District Standards shall apply to Modular buildings, including but not limited to building height, access, setbacks, open space, parking requirements, etc., or operative plan, if applicable.
- D. **Location.**
1. Buildings may be installed on industrial, commercial, and residential districts that are developed with non-residential districts.
 2. Buildings shall not be the primary building on the site.
 3. Buildings may not be visible from major streets.
- E. **Design Criteria.**
1. Permanent Modular Buildings shall be reviewed similar to buildings that employ conventional building techniques.
 2. Temporary Modular buildings shall be compatible in design and appearance with structures in the vicinity and shall meet the following standards:
 - a. *Foundation.* A building shall be built on a permanent foundation system approved by the Building Official.
 - b. *Date of Construction.* Temporary Modular buildings shall have been manufactured within 10 years of the date of issuance of a permit to install the home on the site.
 - c. *Roof Overhang.* The roof overhang shall not be less than 12 inches around the entire perimeter of the Temporary Modular building as measured from the vertical side of the home. The overhang requirement may be waived at the point of connection where an accessory structure is attached to the building.
 - d. *Roof Material.* Roof material shall consist of material customarily used for conventional buildings, such as tile or composition shingles. If shingles are used, the pitch of the roof shall be not less than three inches vertical to 12 inches horizontal.
 - e. *Siding Material.* Siding material shall consist of exterior material customarily used for conventional buildings, such as stucco, wood, brick, stone or decorative concrete. Metal siding, if utilized, shall be non-reflective and horizontally lapping. Siding material utilized as skirting shall be the same as the material used on the exterior wall surface of the manufactured home.
 - f. *Skirting.* The unit's skirting shall extend to the finished grade.
 - g. *Building Orientation.* The building, including the primary entrance, shall face the street.

15-2318 Commercial Truck Storage

Commercial Truck Storage, not specifically related to the primary use on the site, is permitted subject to the following standards.

- A. **Minimum Lot Size:** One acre.
- B. **Access.** The site shall have direct access to a street designated for the type of vehicles that will be parking on the site.
- C. **Landscaping and Screening.**
 - 1. There shall be a minimum 10 foot landscape area along all streets, unless a greater setback is required elsewhere in this Code or operative plan.
 - 2. Chain link fencing is prohibited along major streets, except along state highways if the fence is erected by Caltrans.
 - 3. Graffiti along perimeter Screen Walls shall be removed within 48 hours.
 - 4. Additional screening and landscaping, as determined by the Director may be required where necessary to prevent visual impacts on adjacent properties.
- D. **Surface Paving.** All parking and maneuvering areas shall be paved per Public Works Standards for Parking Lots. Parking on unimproved lots is prohibited.
- E. **Operational Requirements**
 - 1. Vehicles and/or trailer may only be stored within designated areas per the approved entitlement.
 - 2. All auto repairs, including the changing of tires and fluids (i.e., oil) shall occur within an enclosed building.
 - 3. There shall be no dismantling of motor vehicles.
 - 4. Personal storage of vehicles, such as boats or RVs, is prohibited.
 - 5. Trailers oriented to passerby, for the sole purpose of advertising, are prohibited.
 - 6. Retail sales of vehicles is prohibited.
- F. **Parking Lot Shading.** Parking Lot Shading is required for non-truck/trailer parking areas.
- G. **Infrastructure Requirements**
 - 1. Off-site improvements may be required by the City.
 - 2. The facility shall be served by a public sewer system. Private septic sewer systems are prohibited.
 - 3. Adequate facilities and infrastructure shall be provided for fire protection as determined by the City.
- H. **San Joaquin Valley Air Pollution Control District.** Applicants shall gain approval from the SJVAPCD.

15-2319 Community Assembly Facilities.

Community assembly facilities shall be located, developed, and operated in compliance with the following standards:

- A. **Property Development Standards.** Development shall comply with the Property Development Standards of the District in which the project is located.
- B. **Access.** Community assembly facilities shall take primary access from a public street that is improved with curbs, gutters, sidewalks, and street lights. If these improvements do not exist on the subject site, they shall be installed prior to operation of the proposed Community Assembly Facility.
- C. **Buffer.** A minimum 20-foot perimeter buffer shall be included adjacent to any residential use or district. This buffer area may be used for parking or landscaping but shall not be used for structures or outside activities, however there shall always be a minimum 10-foot landscape setback when abutting a Residential District.
- D. **Outdoor Recreation.** Outdoor recreation areas for programmed activities, such as basketball courts, soccer fields, softball fields, etc., shall be at least 20 feet from any residential use or district.
- E. **Shared Parking.** Parking for a Community Assembly Facility may be shared with other uses as long as the operating hours of the other uses do not conflict with the operating hours of the proposed Community Assembly Facility.
- F. **Outdoor Lighting.** Outdoor lighting shall not exceed an intensity of one foot candle of light throughout the facility.

15-2320 Community Gardens / Urban Farms

Community Gardens and/or Urban Farms, collectively referred to as Gardens, may be located, developed, and operated in compliance with the following standards.

- A. **Management.**
 - 1. ***Community Gardens.***
 - a. Shall be organized by community groups, nonprofit organizations, the City, or land owners. A manager shall be designated for each Community Garden who shall serve as liaison between gardeners, property owner(s), and the City.
 - b. If located within a Planned Development or Multiple Family Residential Complex, the Homeowner's Association and/or property management company shall be responsible for the site and shall designate a liaison between the property owner(s) and the City.
 - 2. ***Urban Farm.*** May be operated by a sole proprietor or an organization. A manager shall be designated who shall serve as liaison between the owner(s) and the City.
- B. **Operational Plan.** The applicant shall submit an operational plan that identifies roles and responsibilities, contact information, and operations of the Garden.

C. **Location.** Refer to Table 15-2320-C.

TABLE 15-2320-C PERMITTED DISTRICTS AND AREA LIMITATIONS		
<i>District/Site Location</i>	<i>Minimum Lot Size</i>	<i>Maximum Lot Size</i>
Residential District with access to a local street	3,000 sq. ft.	21,780 sq. ft.
Residential District with direct access to a major street	No minimum	2 acres
Residential Districts if part of a Planned Development, Multiple Family Complex (must be for the sole use of residents), or Religious Institution	No minimum	No maximum
Non-Residential Districts	No minimum	3 acres
Publicly-Owned Site (e.g., Gov't Agency)	No minimum	No maximum

D. **Hours of Operation.** Gardens shall only be tended between dawn and dusk.

E. **Buildings and Structures.**

1. Garden sheds for storage of gardening tools and supplies, greenhouses that consist of buildings made of glass, plastic or fiberglass in which plants are cultivated, outdoor furniture such as benches, bike racks, picnic tables, fences, children's play areas, and raised/accessible planting beds, garden art, rain barrel systems, and structures for the sale of produce may be permitted.
2. Buildings and structures, including temporary structures, shall comply with the property development standards of the underlying district.
3. The combined area of all buildings or structures shall not exceed 25 percent of the garden site lot area.

F. **Front Yards.** Yards along streets shall contain landscaping and/or planting.

G. **Fencing.**

1. Fences shall comply with Section 15-1606, Fences, Walls, and Hedges.
2. If proposed, fences shall be located at the rear of front yard setbacks. For street side yards, refer to Section 15-1506, Fences, Walls, and Hedges.
3. Security wire, including concertina, electrical fencing, etc. is prohibited.

H. **Equipment.** Only household garden tools and equipment, applicators and products, may be used. This includes, but not limited to, soil preparation, cultivation, planting, application of chemicals, dust control, harvesting, etc. Pull behind equipment is prohibited.

I. **Tillage/Excavation.** Prior to tillage or excavation for cultivation, parties shall be responsible for contacting the Underground Service Alert Program (Telephone Number 811).

J. **Maintenance.**

1. Curbside residential solid waste service is required. No burning of any material is permitted.

2. The operator shall be responsible for the overall maintenance of the site and shall remove weeds, debris, etc. in a timely manner.
 3. Soil amendments, composting, and waste material shall be managed and shall not attract nuisance flies or support growth of flies.
- K. **Sale of Produce.** Incidental sales may be permitted. Sales are limited to items that are grown on-site. Incidental, for purposes of this subsection, shall be defined as once per week.
- L. **Animal Keeping.** Animal keeping is prohibited.
- M. **Utilities.** The land shall be served by a water supply sufficient to support the cultivation practices used on the site.
- N. **Restrooms.** If proposed, restrooms shall be connected to public utilities. Portable restrooms are not permitted.
- O. **Drainage.** Water or fertilizer shall not drain onto adjacent properties, and no permanent retention of water shall be permitted. Dirt from the site shall not be tracked onto adjacent sidewalk, gutter, or street.
- P. **Composting.** Composting is allowed only as a minor accessory use to the site.
1. Composting must be done within a container and may only consist of materials generated on-site. An exception is made when the garden is first being established.
 2. The container must be setback at least three feet from the property line.
 3. Composting must not lead to runoff of contaminated water nor expose adjacent properties to adverse noise, odors, pests, etc.

15-2321 Concrete Batch Plants, Storage Yards, and Similar Uses

- A. **Applicability.** This section applies to facilities that by their very nature generally occur and provide for outdoor storage. More specifically, this section applies to:
1. Contractor's Storage Yards;
 2. Outdoor Storage Yards;
 3. Outdoor Lumber and Material Yards;
 4. Concrete Batch Plants;
 5. Commercial Landscaping suppliers (i.e., rockeries);
 6. Pallet manufacturing, repair and storage; and
 7. Other similar uses that are not directly associated with a specific construction site.
- B. **Existing Facilities.** Existing facilities established prior to January 24, 2006 may continue to operate subject to the following conditions:
1. Compliance with all Conditions of Project Approval per the pertinent entitlement.
 2. If an entitlement was not required per zoning regulations, the applicant shall provide evidence, satisfactory to the Director, that the facility:

- a. Was established prior to January 1, 2012 and that the use has been in continuous use;
- b. The site has had a valid business license since January 1, 2012; and
- c. The site does not have any outstanding items from Code Enforcement or the Fire Department.

C. New Facilities.

- 1. ***Minimum Lot Size.*** 10,000 square feet
- 2. ***Location.*** There shall be a minimum setback of 200 feet from property planned or zoned for:
 - a. Residential uses;
 - b. Office Uses;
 - c. An integrated commercial shopping center; or
 - d. A freeway, unless the freeway is depressed a minimum 10 feet from the natural grade of the subject site and there is a six foot masonry wall that screens visibility into the site.
- 3. ***Landscaping and Screening.***
 - a. There shall be a minimum 10 foot landscape area along all streets, unless a greater setback is required elsewhere in this Code or operative plan.
 - b. A Screen Wall and gate, of seven feet in height shall be provided along all property lines. Said wall shall be located at the rear of required landscaping along streets, including freeways. Screen Walls, when located on a local industrial street or between industrial uses, may be a material other than masonry, subject to review and approval by the Director.
 - c. Graffiti along perimeter Screen Walls shall be removed within 48 hours.
 - d. Additional screening and landscaping, as determined by the Director may be required where necessary to prevent visual impacts on adjacent properties.
- 4. ***Paving.*** All storage areas shall be paved per the following standards:
 - a. Public Works Standards for Parking Lots, or
 - b. The surfacing shall consist of a minimum of two inches of asphalt concrete or three inches of road-mixed asphalt surfacing over native soil compacted in accordance with Public Works Standards. An alternative soil stabilizing agent may be applied and maintained, in lieu of asphalt concrete or road-mixed asphalt surfacing if approved in writing by the Public Works Director and the San Joaquin Valley Air Pollution Control District.
- 5. ***Operational Requirements.***
 - a. The operational statement shall articulate what items shall be stored on-site and for what purposes.

- b. There shall be no loading/unloading of vehicles and/or materials in the public right-of-way or within customer parking areas.
 - c. Vehicles and/or materials may only be stored within designated areas per the approved entitlement.
 - d. Personal storage of vehicles, such as boats or RVs, is prohibited.
 - e. Retail Sales are prohibited.
- 6. **Stacking.** The stacking of products may not exceed 2 feet above the required screen wall, unless it is not visible from a Residential Use or District or a public street.
- 7. **Infrastructure Requirements.**
 - a. Off-site improvements may be required by the City.
 - b. The facility shall be served by a public sewer system. Private septic sewer systems are prohibited.
 - c. Adequate facilities and infrastructure shall be provided for fire protection as determined by the City.

15-2322 Corner Commercial

- A. **Purpose.** The purpose of this section is to allow for the development of small-scale, neighborhood-serving commercial establishments that can provide convenient, walkable access to important amenities and that may increase the sense of community and value to the surrounding neighborhood.
- B. **Permitted Types.** Limited to the following:
 - 1. Cafes and coffee shops;
 - 2. Delicatessens;
 - 3. Bakeries;
 - 4. General Markets and Healthy Food Grocers;
 - 5. Flower shops; and
 - 6. Bike shops and bike repair services.
- C. **Design Standards.** Per the underlying district and the following:
 - 1. The building must maintain the appearance of a single-family home and fit architecturally with the neighborhood.
 - 2. The commercial use must be easily recognizable from the front façade through the use of large windows or an active outdoor use such as produce stands or café seating.
 - 3. Outdoor seating for cafes, etc. is allowed in the front and rear yards, setback at least 15 feet from adjacent residential property lines or fences, whichever is closer to the use.
 - 4. Commercial area is limited to 1,500 square feet.
 - 5. **Signage.**

- a. Illuminated signage is not permitted.
- b. Outside signage is limited to business name and description of services provided. Signage must be visually compatible with the building and surrounding neighborhood.
- c. Menu Display Boards (less than two square feet in area) and A-Frame (sandwich) signs that display daily specials, etc. are permitted, but may not be located in the public right-of-way. See Article 22, Signs.

D. General Regulations.

- 1. May not have more than one dwelling unit on-site.
- 2. On-site alcohol sales are limited to beer and wine. Off-site alcohol sales are prohibited.
- 3. Hours of operation shall be limited to 6 a.m. to 10 p.m.
- 4. Amplified music is not permitted outside.
- 5. Drive-throughs are prohibited.
- 6. Any storage of materials or trash outside must be enclosed.

E. Parking. On-site parking shall be limited to residents.

F. Location.

- 1. Must be located on a corner lot where intersecting a Major Street.
- 2. The building must front the Major Street with the main access to the commercial area provided from that street.

G. Findings. The following shall be added as required Conditional Use Permit findings.

- 1. The applicant must hold a community meeting per Section 15-4805.
- 2. The use must be oriented to serve the immediate neighborhood, promoting health and facilitating a sense of community between neighbors.
- 3. The use must complement the residential character of the neighborhood and will not adversely impact adjacent properties.

15-2323 Cottage Housing Developments (Pocket Neighborhoods)

A. Purpose.

- 1. To provide a diverse range of housing to support a diversity of households.
- 2. To provide infill development opportunities.
- 3. To protect the character of single-family neighborhoods.
- 4. To promote community interaction and safety through design.

B. Alterations Required by the Fire Department. Any of the provisions found in this section may be altered by request of the Fire Department in order to meet safety standards.

C. Unit Types and Sizes.

1. One unit and two-unit cottages are permitted.
2. Two-unit cottages must retain the appearance of a single unit and must be located side by side as opposed to multiple stories.

D. Density and Number of Units.

1. The allowed number of units is up to .33 percent of the number permitted in the underlying district.
2. There shall be a minimum of four units and a maximum of twelve units per cluster.
3. One two-unit cottage is allowed as the fifth and sixth, and eleventh and twelfth units.

E. Common Open Space.

1. Four hundred square feet of common open space shall be provided per unit. If multiple clusters are located within a development, up to 200 square feet per unit may be used for a development-wide or multi-cluster common open space.
2. Required setbacks, private open space, utility areas, and areas less than 10 feet in width cannot count toward the common open space requirement.
3. Common open space for each cluster shall be in one contiguous, useable piece with a minimum dimension of 15 feet on all sides.
4. Common open space and community buildings shall be centrally located and/ easily accessible to all units.
5. Should have a sense of openness and be maintained to provide for passive and/or active recreational activities. Some encouraged uses are lawns, gardens, patios with tables and chairs, etc. More active uses such as playing courts are also encouraged as long as they do not dominate the common open space.
6. Fences may not be located within required common open space areas.
7. Required trails may count towards the common open space requirement provided each unit has pedestrian access to the trail(s).
8. Any open space that cannot be used for enjoyment of residents may not count towards the required total. These include, but are not limited to, ponding basins, buffers, areas with a steep slope, etc.
9. ***Community Building.***
 - a. If a community building is provided, it may count for 200 square feet of required common open space per unit up to 25 percent of the total requirement.
 - b. Community buildings must be limited to one story, be incidental in size and use, and be architecturally consistent with the rest of the development.
 - c. Community buildings must be located on the same site as the cottage housing development and be easily accessible to all units within the development.
 - d. Community buildings must be under common ownership by the residents.

- F. **Design Standards of Units.** Dwellings within a cottage housing development should be oriented to promote a sense of community both within the development and with respect to the larger community. They must be architecturally compatible with the surrounding neighborhood and must not be designed to be enclosed or hidden from the surrounding neighborhood.
1. ***Orientation to Public Street.***
 - a. All cottages with a street-facing façades shall avoid having blank, featureless walls. Windows are encouraged.
 - b. Units abutting a public street may have a secondary entrance with a porch. The secondary porch shall be at least 35 square feet. A wrap-around porch to the primary entrance may also be provided.
 2. ***Orientation to Common Open Space.***
 - a. All units must have their primary entryway oriented towards the common open space
 - b. Cottages must surround the common open space on at least two sides
 3. ***Pedestrian Circulation.***
 - a. Pedestrian paths shall link all units to common open space within the development, to parking areas, and to sidewalks, especially where there are transit stops. Paths entering the development from the sidewalk shall be at least five feet wide to promote a sense of openness.
 4. ***Private Open Space.***
 - a. A minimum of 250 square feet of private open space is required per unit. This is inclusive of required porch and yard space.
 - b. Each unit must have a covered porch over the primary entryway with a minimum area of 64 square feet per unit and a minimum of seven feet on all sides. Railings are encouraged.
 - c. A yard, with a minimum dimension of ten feet, is required adjacent to primary entryway porch.
 - d. Fences or hedges shall not exceed three feet in height.
 - e. Yards and porches should add to the visual variation of each unit.
 5. ***Floor Area and Height.***
 - a. Unit floor area shall be between 600 and 1,200 square feet.
 - b. Cottages shall not have the appearance of “tall, skinny houses.”
 - c. Cottages shall be no more than two stories. Height must comply with the underlying zone district.
 6. ***Variation between Units.***

- a. There shall be variation between units, while maintaining architectural consistency, to prevent repetitive use of building styles within any cluster, development, and adjacent dwellings. Some ways to achieve this variation include varied rooflines, elevations and height, floor area, stories, entryways, yards, etc. Multi-cluster developments may repeat one design per every three clusters, but may not be placed in proximity to one another.

7. ***Roof Design.***

- a. Units shall have a minimum 6:12 pitched roof. Roof slopes lower than 6:12 are limited to architectural features such as dormers and porch roofs and may not be less than 4:12.
- b. Alternate roof designs may be approved if it is found that they meet all other compatibility and design requirements prescribed by this section.

8. ***Windows.***

- a. Placement of windows shall avoid creating privacy issues for adjacent units and neighboring properties.
- b. Window trim shall be provided.

9. ***Setbacks.***

- a. All buildings shall be separated by at least eight feet. Minor architectural projections are allowed.

G. **Parking.**

1. ***Required Amount.***

- a. One garage is required per unit for use by residents of that unit.
- b. .5 guest spaces are required per unit and may be provided under carports or on surface lots.
- c. Guest parking may be provided off-site if the Director deems there is adequate space.

2. ***Design and Orientation.*** Parking areas shall be separated from the common open space area and, to the extent possible, shall not be visible from the street.

a. ***Attached Garages.***

- i. May be accessed from the side or rear of the unit.
- ii. If oriented towards the street, may not dominate the façade, and must be either flush with or set back from the rear of the building.
- iii. Garage doors shall provide windows, moldings, or other architectural features to help blend with the rest of the home.
- iv. The first 250 square feet shall not be counted towards maximum floor area.

- b. *Detached Garages and Carports.*
 - i. Must be architecturally consistent with the development (e.g. similar rooflines).
 - ii. May not exceed a total of four spaces per parking structure.
 - iii. If located in-between units, may not exceed two spaces and must be setback 10 feet from the horizontal line of the entryway.
- c. *Surface Lots.*
 - i. For every six spaces provided there must be a ten-foot landscaped area and pedestrian path provided.
 - ii. If located in-between units, may not exceed two spaces and must be setback 10 feet from the horizontal line of the entryway.
- d. *Private Driveways.*
 - i. Must be designed as a woonerf.
 - ii. Driveways must be located to the rear of units.
- e. *Preferred Location of Lots and Structures.*
 - i.
 - 1. To the rear of the development, accessed via an alley.
 - 2. To the side of the development, accessed by a private driveway.
 - 3. On the side of the development accessed from a non-primary street.

H. **Trash Enclosures.** See Section 15-1616, Trash and Refuse Collection Areas.

I. **Homeowners' Association.** A homeowners' association and covenants are required for the maintenance of common areas.

J. **General Provisions.**

- 1. Accessory Dwelling Units are not permitted.
- 2. An existing single-family home or duplex that does not meet the requirements of this section is permitted to remain on the site, provided that the extent of its nonconformity is not increased.
- 3. A covenant restricting any increases in unit size after initial construction shall be recorded against the property.
- 4. Each unit must have an individual address.

15-2324 Cyber/Internet Cafés

- A. A Conditional Use Permit shall be required whenever a Cyber/Internet Café is proposed.
- B. The establishment shall have an employee present during all hours of operation.
- C. Alcohol sales shall be limited to beer and wine.
- D. Gambling, including sweepstakes, and gambling simulation games such as video versions of slot and table games are prohibited. Other uses may be prohibited as determined by Council action or by State and federal laws.
- E. The establishment shall not create nor contribute to public nuisance or criminal activities which are harmful to the health, peace, safety, or general welfare of people residing, working, or visiting in the surrounding area.

15-2325 Day Care Centers and Family Child Care Homes

A. Types of Day Care Facilities.

- 1. ***Child Care Center.*** A child care facility usually located in a commercial building, and provides non-medical care and supervision to children (infant through school age) in a group setting for periods of less than 24 hours.
- 2. ***Family Child Care Home.*** A child care facility that provides supervision to children (infant through school age) in the caregiver's own home for periods of less than 24 hours per day. Per State law, Family Child Care Homes are not limited to detached single-family homes.
- 3. ***Ancillary Day Care Center.*** A facility that provides child care services that is ancillary to a larger use such as a place of employment, a religious institution, an athletic club, shopping center, etc.

B. Minimum Standards for Child Care Centers and Family Child Care Homes.

- 1. ***License.*** The operator shall secure and maintain a license from the State of California Department of Social Services.
- 2. ***Outdoor Space.***
 - a. The outdoor area shall not be located in any required front or street side yard. This area must be either owned or leased by the applicant and cannot be shared with other property owners unless written permission is granted by the other property owners.
 - b. Outdoor play areas shall be secured and screened with a minimum six foot wall or fence, constructed of wood or masonry, and shall achieve at least 75 percent opacity. Chain metal fencing or barbed wire is prohibited.
 - i. Family Child Care Homes. The above requirements may be waived for Family Child Care Homes if the applicant can demonstrate that there is a public park or other public open area within 500 feet of the day care, the open space is on the same side of the street or across a local street, and there is a defined pedestrian path to the open space.

- ii. Child Care Centers. Pursuant to California Code of Regulations, Title 22 (Section 101238.2) Child Day Care Centers shall provide a minimum of 75 square feet of outdoor space for each child over two years old. Swimming pools and adjacent pool decking may not count towards meeting this space.
- iii. Exceptions. School-age child care programs that are operated on the site of a functioning school ground are exempt from square-footage requirements.

C. Additional Standards for Family Child Care Homes.

- 1. **Residency.** The operator of a Family Child Care Home shall be a full-time resident of the dwelling unit in which the facility is located.
- 2. **Facility Separation.** A proposed Family Child Care Home shall not be located closer than 300 feet from the nearest lot line of another large family day care home or adult day care facility, respectively, for which a Discretionary Permit has already been issued and is in effect. However, the Director may allow the proposed large family day care home or adult day care facility to be located closer than 300 feet if it is determined that such closer location will not have an adverse effect on surrounding properties or on vehicular or pedestrian safety in the area.
- 3. **Fire Clearance.** A fire safety clearance approved by Fresno Fire Department is required for Large Family Child Care Homes.
- 4. **Number of Children.**
 - a. For a Small Family Child Care Home, the maximum number of children cared for, including children under age 10 who live in the home, is one of the following:
 - i. Four infants, or six children, no more than three of whom may be infants.
 - ii. Six children, or up to eight children when one child is at least six years of age and one child is enrolled in and attending kindergarten or elementary school and no more than two infants are in care. Parent notification and property owner consent must be on file.
 - b. For a Large Family Child Care Home, the maximum number of children cared for when there is an assistant provider in the home, including children under age 10 who live in the home, and the assistant provider's children under age 10, is either:
 - i. Twelve children, no more than four of whom may be infants, or
 - ii. Up to 14 children when one child is at least six years of age and one child is enrolled in and attending kindergarten or elementary school,

and no more than three infants are in care. Parent notification and property owner consent must be on file.

- D. **Standards for Ancillary Day Care Centers.** Ancillary Day Care Centers are subject to compliance with the regulations found under Health and Safety Code 1596, as may be amended.

15-2326 Demolition and House Moving

- A. **Demolition.** All structures proposed for demolition shall be reviewed by the City's Historic Preservation Officer and the San Joaquin Valley Air Pollution Control District.
- B. **House Moving.**
1. ***On-Site.*** Prior to a structure being moved onto a site, the home shall be reviewed to ensure compatibility with the neighborhood as determined by the Director. Homes shall be subject to the Property Development Standards and adopted policies and procedures of the underlying District.
 2. ***Off-Site.*** Prior to a structure being relocated off-site, the home shall be reviewed by the City's Historic Preservation Officer.

15-2327 Development of Former Landfill Sites and Hazardous Sites

A Conditional Use Permit shall be required for the development of all former Landfill Sites, regardless of the proposed use. As part of the application, the applicant shall at a minimum, provide a geotechnical report that provides a complete analysis of on-site soil conditions, fault hazards, underground water supplies and recommendations, as well as a post-closure plan that outlines remediation measures.

15-2328 Drive-In and Drive-Through Facilities

Drive-in or drive-through facilities shall be located, developed, and operated in compliance with the following standards:

- A. **Where Allowed.** Drive-in and drive-through facilities are allowed per base district land use regulations.
- B. **Separation Requirements.**
1. ***From Residential Districts.*** Drive-throughs shall not be located within 100 feet of a Residential District.
 2. ***Space between Drive-Throughs.*** A building with a drive-through lane shall be not be located within 400 feet from another structure containing a drive-through facility.
- C. **Drive-In and Drive-Through Aisles.** Drive-in and drive-through aisles shall be designed to allow safe, unimpeded movement of vehicles at street access points and within the travel aisles and parking space areas. Aisles shall be designed to provide adequate visibility at their intersection with streets or travel aisles. See Section 15-1618, Intersection Visibility.
- D. **Landscaping.** Each drive-through aisle shall be screened with a combination of decorative walls and landscape to a minimum height of 30 inches to prevent headlight glare and direct visibility of vehicles from adjacent streets, parking lots, and the public right-of-way.

- E. **Menu Boards.** A maximum of two menu boards, not exceeding 20 square feet in area apiece, with a maximum height of six feet are permitted per drive-through. Should a facility have two drive-throughs, each drive-through may have two menu boards. All outdoor speakers shall be directed away from any residential district or residential use.
- F. **Pedestrian Walkways.**
 - 1. Pedestrian walkways shall not intersect drive-in or drive-through aisles, unless no alternative exists due to physical site constraints. In such cases, pedestrian walkways shall have clear visibility, emphasized by enhanced paving or markings.
 - 2. A pedestrian walkway crossing a drive-through lane will be allowed when it is the pedestrian pathway that links the site to the rest of the shopping center. This pathway must be located at the end of the drive-through lane and must be clearly delineated with striping or contrasting paving. Signage notifying drivers in the drive-through lane of the pedestrian crossing shall be provided.
- G. **Site and Building Design.**
 - 1. If the building is located within 50 feet of a public street, the main entrance door shall be oriented towards the public sidewalk or shall provide clear and direct access from the public sidewalk to the main entrance.
 - 2. Walls along the street face and visible from the street, shall be transparent with windows, doors and other forms of transparent building materials to maximize views in and out of the building and the relationship between interior and exterior to support and animate the public street and sidewalk.
 - 3. Drive-through elements shall be placed to the side or rear of the building.
- H. **Hours of Operation.** Should a drive-through facility be located closer than 100 feet from a Residential District, the drive-through shall close no later than 10 p.m.
- I. **Equal Access.** Whenever service is limited to drive-through facilities, customers using non-motorized transportation shall have equal access to service.

15-2329 Emergency Shelters

Emergency shelters shall be located, developed, and operated in compliance with the following standards:

- A. **Number of Residents.** The number of adult residents, not including staff, who may be housed on a lot that is smaller than one acre shall not exceed the number of persons that may be accommodated in any hospital, elderly and long term care facility, residential, transient occupancy, or similar facility allowed in the same district.
- B. **Length of Occupancy.** Occupancy by an individual or family may not exceed 180 consecutive days unless the management plan provides for longer residency by those enrolled and regularly participating in a training or rehabilitation program.
- C. **Outdoor Activities.** All functions associated with the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting must take place within the building proposed to house the shelter. Outdoor waiting for clients, if any, may not be in the public right-

of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.

- D. **Minimum Hours of Operation.** At least eight hours every day between 7 a.m. and 7 p.m.
- E. **Employee Presence.** On-site employee presence must be provided at all times.
- F. **Toilets.** At least one toilet must be provided for every 15 shelter beds, unless a greater number is required by state law.
- G. **Management Plan.** The operator of the shelter must submit a management plan for approval by the Director. The Plan must address issues identified by the Director, including transportation, client supervision, security, client services, staffing, and good neighbor issues.

15-2330 Farmer's Markets

Farmer's Markets may be located, developed, and operated in compliance with the following standards:

- A. **Types of Farmer's Markets.**
 - 1. ***Farmer's Markets.*** A Farmer's Market that occurs on a site no more than one day per week.
 - 2. ***Commercial Farmer's Markets.*** A Farmer's Market that occurs two days or more per week.
 - 3. ***Street Fairs.*** A Farmer's Market, which may include a Street Fair, on a public or private street. A Street Closure Permit may be required. Limited to one day per week.
- B. **Time Limits.** Shall not operate, including setting-up, between the hours of 9 p.m. and 7 a.m.
- C. **Location.**
 - 1. ***Residential Districts.*** Either type of Farmer's Market may be established in a Residential District if the site is developed with non-residential uses.
 - 2. ***Non-Residential Districts.*** Either type of Farmer's Markets may be established in any non-residential district.
 - 3. ***Streets.*** Farmer's Markets on non-residential streets, public or private, may be permitted. Mixed-Use Districts are excepted.
- D. **Products.**
 - 1. ***Agricultural Products.*** Agricultural products shall comprise at least 75 percent of the retail space available.
 - 2. ***Agricultural-Related Products.*** The exhibition and sale of other agricultural products such as processed food (dried fruit, cheese, or bread, for example), or artisan handiwork or art, shall not exceed 25 percent of the retail space available.
 - 3. ***Non-Agricultural Products.*** The sale of new, commercially produced merchandise that is non-agricultural related, and second-hand, or used merchandise, is prohibited.
 - 4. ***Alcohol.*** The seller shall obtain approval from the Police Department and Alcoholic Beverage Control.

5. ***Tobacco.*** Tobacco products are prohibited.
6. ***Livestock.*** The sale of livestock is prohibited.
7. ***Street Fairs.*** Street Fairs are excepted from Subsections 1 through 3 above pertaining to the sale of Agricultural Products, Agricultural Related Products, and Non-Agricultural Products.

E. **Display Areas.**

1. ***Farmer's Markets.***
 - a. ***Turf.*** Display area may be turfed with an automatic sprinkler system to ensure that turfed areas remain healthy.
 - b. ***Dirt.*** Display areas may not be dirt.
 - c. ***Other Pavement Materials.*** Other materials, such as synthetic turf, may be approved, subject to review.
 - d. ***Dust Control.*** Control measures may be required to mitigate potential dust.
2. ***Commercial Farmer's Markets.***
 - a. ***Pavement.*** Sites shall be paved with asphalt concrete, concrete, or other acceptable impervious surface per City Standards.
 - b. ***Setbacks.*** Display areas shall comply with the underlying setbacks of the District however in no case shall it be less than 10 feet from any property line.

F. **Parking.**

1. ***Farmer's Markets.*** None, however available parking spaces shall not be reduced by more than 40 percent of what is provided. Thus, at a minimum 60 percent of existing parking shall be made available for patrons. An exception may be made if a parking study, prepared by a Licensed Traffic Engineer, concludes that there is adequate parking in the area, not including on-street parking in Residential Districts.
2. ***Commercial Farmer's Markets.*** Permanent Farmer's Markets shall provide parking per Article 20, Parking and Loading.
3. ***Street Fairs.*** None.

G. **Tents/Structures.**

1. ***Farmer's Markets.*** Temporary canopies and shade structures are permitted. Structures shall be removed daily. Temporary canopies may be required to obtain a Building Permit.
2. ***Commercial Farmer's Markets.*** Structures, other than those that are removed daily, shall be permanent and shall comply with pertinent Building Codes.

H. **Management.** There shall be a Market Manager, which may be a vendor, during all hours of operation. The Market Manager shall ensure compliance with City regulations and for resolving issues that may arise as part of the operation of the Farmer's Market.

I. **Appearance.**

1. ***Farmer's Market and Street Fairs.*** When a Farmer's Market is not in operation, all evidence of its use must be removed from the site including all tables, tents, temporary membranes, canopies, barricades, products, signs, litter, etc. The parking lot must be left in a clean condition..
 2. ***Commercial Farmer's Market.*** When not in operation, all evidence of its use must be removed from the site including all tables, tents, canopies, temporary membranes, barricades, products, signs, litter, etc. The parking lot must be left in a clean condition. Permanent buildings, structures, and signs are excepted.
- J. **Refuse/Litter.** The operator or Market Manager shall provide trash and recycling collection bins and shall be responsible for collecting refuse after each event, including in the parking lot.
- K. **Signs.** Signs, including directional signs, shall comply with Article 22, Signs.
- L. **Noise.** Shall not use amplified sound for any purpose. Street Fairs are excepted from this provision.
- M. **Other Agencies.** Review and approval may be required from other agencies, including the Fresno County Health Department.

15-2331 Flea Markets

Flea Markets, including Swap Meets and Open-Air Markets, that do not meet the strict definition of a Farmer's Market, may be permitted subject to the following standards.

- A. **Size.** Flea Markets shall be a minimum of five acres in area.
- B. **Sales Area Paving.** The site shall be paved, per Public Works Standards (Parking Lots) to mitigate dust.
- C. **Parking.** Refer to Article 20. Parking shall be paved per Public Works Standards.
- D. **Screening.**
1. ***Along Public Streets.*** The perimeter of the area used by vendors shall be screened. Screening shall be located at the rear of the required landscaping along public streets.
 2. ***Customer Parking Area.*** The customer parking area is not required to be screened, unless adjacent to a Residential District. If adjacent to a Residential District, refer to Article 20, Parking and Loading.
 3. ***Screening Material.*** Refer to 15-1608-C, Screening Wall Standards.
- E. **Perimeter Landscaping.** Flea Markets shall provide 20 feet of landscaping along public streets and along a shared property line with residential districts, unless a greater landscape setback is required by another Article or operative plan.
- F. **Restrooms.** Permanent restrooms, connected to City utilities, shall be provided.
- G. **Alcohol.** Alcohol consumption is prohibited.
- H. **Time Limit.** Hours shall be limited from 6 a.m. to 5 p.m. Vendors may arrive one hour prior to opening and may remain one hour after 5 p.m. to load their merchandise. An exception to the

hours of operation may be permitted should the Flea Market also serve as a drive-in movie theatre.

- I. **Number of Events.** The Flea Market shall not operate more than three days per week.
- J. **Refuse/Litter.**
 - 1. The facility shall provide adequate trash enclosures for the collection of refuse.
 - 2. The operator shall be responsible for collecting trash after each event, including the parking lot.
- K. **Management.** An establishment shall have an employee present during all hours of operation.
- L. **Products.**
 - 1. **Display Areas.** All products shall be sold within a designated area.
 - 2. **Livestock.** Only Household Pets may be sold, including birds, fish, dogs, cats, and reptiles.
 - 3. **Vehicles.** Vehicles shall be showcased within a designated area and shall not occupy required parking spaces
 - 4. **Food Vendors.** Food Vendors, including Mobile Vendors may sell within a designated area accessed from within the facility.
 - 5. **Contraband / Stolen Goods.** The operator shall take measures to prevent the sale of contraband, including stolen goods, 'knock-off' merchandise that violates patents and trademarks, firearms, fireworks, firecrackers, drugs, etc. The operator shall provide a written statement articulating what security measures will be implemented to prohibit the sale of contraband.

15-2332 Hazardous Waste Management Facilities

All hazardous waste management facilities, except household hazardous waste collection centers authorized by the City and the Fresno County Health Department, shall be located, developed, and operated in compliance with the following:

- A. **Application Content.** Applications for hazardous waste management facilities shall include the following:
 - 1. **Site Plan.** A detailed site plan depicting all buildings, land uses, storage areas, parking areas, driveways, internal and surrounding traffic circulation. Occupancy type and rating for each building or structure shall be identified.
 - 2. **Best Management Practices.** Demonstrate and certify that they are minimizing the generation of hazardous waste through the use of the best available technology within their manufacturing, and/or product development processes. Applicants shall also demonstrate and certify that facilities will be using the best available control technology in minimizing air emissions and processing hazardous waste. Such demonstration and certification shall be provided prior to the issuance of any building permit or other land use entitlement.

3. **Waste Characteristics and Capacity.** Identify the amounts (in tons) and types of hazardous waste to be treated and stored; the duration of stored waste on the facility site and the ultimate destination of the waste. The owner-operator shall make this information available on a yearly basis to the City of Fresno. If the application is for a transfer station the applicant shall identify the capacity of the facility to store each type of waste stream, service area(s) of the facility and ultimate disposition of the waste.
4. **Air Quality Analysis.** An analysis of all anticipated air quality impacts and proposed mitigation measures. The hazardous waste facility shall comply with the rules and regulations of the San Joaquin Valley Air Pollution Control District.
5. **Risk Assessment.** A risk assessment which analyzes, in detail, all probabilities of accidents or spills at the site, including transportation related, or accidents from the point of origin to the facility, and any other risk assessment requested by either the City Manager, Director, Fire Chief, or the City Council. Such analyses shall identify mitigation measures to reduce the identified risks. The risk assessment shall identify the most probable routes for transporting hazardous wastes to and from the facility.
6. **Emergency Response Plan.** An Emergency Response Plan that indicates at a minimum:
 - a. That the proposed plan is consistent with any and all applicable County and regional Emergency Response Plans and all City, County, State and federal regulatory requirements regarding Emergency Response Procedure.
 - b. Detailed procedures to be employed at the time of emergency for each type of chemical substances utilized including contingency procedures.
 - c. Anticipated impacts on local fire, police, and medical services.
 - d. Names, home, and business addresses, and home and business telephone numbers of all management personnel at the facility, if known, and a detailed description of uncontrolled release and emergency situation reporting procedures.
- B. **Flooding Information.** An analysis of the potential of flooding on the site. Note residual repositories are prohibited in areas of special flood hazards as depicted by FEMA Flood Hazard Maps.
- C. **Traffic Analysis.** Applicants shall submit a traffic analysis which addresses, at a minimum, vehicle-truck trips, effects on nearby intersections, and any special characteristics of the project site. Applicants shall also identify the most likely transportation routes within the City and the County.
- D. **Closure Plan.** The owner or operator of a hazardous waste facility shall, prior to any local land use decision, submit to the Fresno County Health Department a written Closure Plan. The closure plan shall be approved the Health Department. All revisions to such Closure Plans shall also be submitted to the Fire Department.
- E. **Safety.** The owner/operator shall demonstrate that the separation between the hazardous waste facility and residential areas is adequate to protect the health, safety, welfare, and property values of residents.

- F. **Monitoring.** At minimum, hazardous waste facilities are subject to the following monitoring requirements:
1. Upon reasonable notice, and for the purpose of ensuring compliance with all standards, conditions, and other requirements which the City is authorized to enforce under its police power, City Officials or their designated representatives may enter the premises on which a hazardous waste facility permit has been granted.
 2. The owner or operator of a facility shall report yearly to the Fresno County Department of Health, Environmental Division the amount, type, and disposition of all wastes processed by the facility. Included in the report shall be copies of all manifests showing the delivery and types of hazardous wastes and include a map showing the exact location (coordinates and elevation) of quantities and types of materials placed in repositories or otherwise stored or disposed of on-site.
 3. The owner or operator of a hazardous waste facility shall immediately send copies of all complaints as to facility operations and copies of all inspection reports made by other local, state or federal agencies to the Fire Chief and City Engineer.
 4. Owners/Operators of all facilities shall prepare and submit an Annual Emergency Response Preparedness Report to the Fire Department and all other local emergency response agencies. Such report shall be signed by all management personnel at the facility and each person at the facility who has emergency response responsibilities.
 5. Owners/Operators of all facilities shall submit an annual Air, Soil, and Groundwater Monitoring Report to the City Engineer.
- G. **Modifications.** Any modifications of the types and quantities of hazardous waste to be managed at the facility which were not included in the approved application for a Conditional Use Permit shall be approved by the Fire Chief and City Engineer before such modifications occur at the facility.
- H. **Contingency Plan.** Every hazardous waste facility shall have a contingency operation plan approved by the California Department of Health Services. A copy of the contingency plan shall be maintained at the facility and sent to the Police Department, Fire Department, Engineering Division, and the County Department of Environmental Health.
- I. **Financial Assurance.** Prior to issuance of an "Occupancy Permit" to begin the use of a hazardous waste facility, the applicant shall show proof that it has met all of the financial responsibility requirements imposed by the California Department of Health Services and any other federal or state agency.
- J. **Indemnification.** The applicant agrees to indemnify, defend, and render harmless the City, and its City Council and all officers, employees and agents of the City against and from all claims, actions and liabilities relating to the land use decision or arising out of the operation of the facility.
- K. **Enforcement.** All costs of compliance with this Ordinance shall be borne by the facility owner/operator. The City shall employ any and all methods permitted by law to enforce this Ordinance.
- L. **Maintenance.** The owner/operator shall keep all equipment and buildings in good repair and shall employ technological advances as may be required by the California Department of Health

Services, San Joaquin Valley Air Pollution Control District, or U.S. Environmental Protection Agency.

- M. **Findings.** The following findings shall be made in writing prior to making a land use decision which will allow the siting of a hazardous waste facility project:
1. The project is consistent with the General Plan.
 2. The project will not be detrimental to the health, safety, general welfare or property values of the community or nearby residents.
 3. The project will not significantly reduce incentives for waste minimization by hazardous waste generators.
 4. There are adequate City services available to service the project.
 5. The project has met or exceeded each requirement of this Ordinance.
 6. Any potential impacts identified in the CEQA analysis may be adequately mitigated.

15-2333 Hobby Stores

Hobby stores may have outdoor activity areas subject to the following standards:

- A. For outdoor facilities that provide batting cages, paintball, airsoft, or similar activities, fences, nets, or walls shall be provided that are capable of stopping all projectiles fired and/or hit by containing or redirecting the projectile to the backstop.
- B. Outdoor activities, such as batting cages, paintball, remote control race tracks, hobby helicopters, and go-karts that may generate unwanted noise, shall cease by 10 p.m. (and may not renew operations until 8 a.m. the following morning) unless separated by 400 feet or greater from a Residential District. A greater distance or additional mitigation measures may be required to mitigate noise to acceptable levels.

15-2334 Home Gardens and Edible Landscaping

Gardens, as part of single-family homes, may be incorporated into all yards. Raised garden / accessible garden beds are permitted, but not required. Raised garden beds shall comply with site line requirements per this Ordinance. Only household garden tools and equipment, applicators, and products, may be used. This includes, but not limited to, soil preparation, cultivation, planting, application of chemicals, dust control, harvesting, etc.

15-2335 Home Occupations

- A. **Purpose.** The purpose of this section is to:
1. Permit home occupations as an accessory use in a dwelling unit;
 2. Allow residents to operate small businesses in their homes, under certain specified standards, conditions, and criteria;
 3. Allow for “telecommuting” and reduced vehicle use;

4. Ensure that home occupations are compatible with, and do not have an adverse effect on, adjacent and nearby residential properties and uses;
 5. Ensure that public and private services, such as streets, sewers, water, or utility systems, are not burdened by the home occupation to the extent that usage exceeds that normally associated with a residential use; and
 6. Preserve the livability of residential areas and the general welfare of the community.
- B. **Applicability.** This section applies to all residential units and properties in the City regardless of their zoning designation. It does not apply to family day care homes, which are regulated separately in Section 15-2325, Day Care Centers and Large Family Day Care Homes.
- C. **Zoning Clearance Required, Not Transferable.** A Zoning Clearance is required for each home occupation, pursuant to the provisions of Article 41, Zone Clearance. A Zoning Clearance to conduct a home occupation at a particular address is not transferable from one party to another, nor may the type of business be modified. A new Zoning Clearance must be obtained for each new home occupation.
- D. **Operational and Performance Standards.** Home occupations must be located and operated consistent with the standards of this Code.
- E. **Residential Appearance.** The residential appearance of the unit within which the home occupation is conducted shall be maintained, and no exterior indication of a home occupation is permitted.
1. **Location.** All home occupation activities shall be conducted entirely within the residential unit, or within a garage that is reserved for the residential unit. When conducted within a garage, the doors thereof shall be closed, and the area occupied shall not preclude the use of required parking spaces.
 2. **Structural Modification Limitation.** No structural alterations shall be made to create features not customary in dwellings.
 3. **Maximum Size.** The space exclusively devoted to the home occupation (including any associated storage) shall not exceed 25 percent of the residential unit floor area.
 4. **Employees.** One employee or independent contractor other than residents of the dwelling may be permitted to work at the location of a home occupation. All work conducted by employees shall be conducted completely within the home (not including the garage).
 5. **On-Site Client Contact.** No customer or client visits are permitted except for personal instruction services (e.g., musical instruction or training, art lessons, academic tutoring). A total of eight clients and/or students for personal instructional services (e.g., musical instruction or training, art lessons, academic tutoring) per day may be permitted, however there may be no more than two clients/students at any one time. Clients/students hours of arrival and/or departure shall be staggered as to not disrupt the surrounding properties.
 6. **Employee/Client Parking.**

- a. Customers, clients, and/or employees shall park on-site. If the site cannot accommodate an on-site parking space for the lack of drive approach or parcel width, they may park off-site.
 - b. Parking required for customers/clients/employees may be tandem.
 - c. The home occupation shall not cause resident occupants to park their vehicles in other locations.
7. **Hours.** Employees, visitors, students, and/or clients are permitted between the hours of 7 a.m. to 7 p.m.
8. **Direct Sales Prohibition.** Home occupations involving the display or sale of products or merchandise are not permitted from the site except by mail, telephone, internet, or other mode of electronic communication, unless permitted per Cottage Food Preparation as detailed below.
9. **Storage.** There shall be no storage of materials, supplies, and/or equipment in an accessory building, or outdoors. Storage may only occur within a garage if it does not occupy or obstruct any required parking space. Contractors whose work is conducted entirely off-site (and who use their home solely for administrative purposes related to the contracting business) may store construction, electrical, landscaping, plumbing, or similar supplies or materials within a single vehicle of one ton or less.
10. **Traffic and Parking Generation.** Home occupations shall not generate a volume of passenger or commercial traffic that is inconsistent with the normal level of traffic on the street on which the dwelling is located or which creates the need for additional parking spaces, or involve deliveries to or from the premises in excess of that which is customary for a dwelling unit. There shall be no deliveries and/or pick-ups from commercial vehicles, except those used by mail carriers.
11. **Vehicles.** Only one vehicle, owned by the operator of the home occupation, and not to exceed one ton in capacity, may be used by the operator in conjunction with the home occupation.
12. **Commercial Vehicles and Attachments.** Home occupations involving more than one commercial vehicle parked on-site shall not be permitted. No attachments of equipment or machinery used for business purposes shall be permitted either on the vehicle or on the site when the vehicles are not in use and such equipment or machinery is within view from the public right-of-way or neighboring properties. Storage of attachments of equipment and machinery or trailers are not permitted in areas visible from public rights-of-way or neighboring properties, unless part of an active approved construction project on the site.
13. **Equipment.** Home occupations, which involve mechanical or electrical equipment which is not customarily incidental to domestic use shall not be permitted. Facsimile machines, copy machines, computers, and other similar business equipment are permitted. Small power tools and similar equipment/machinery not exceeding two horsepower are also permitted. Commercial kitchens are prohibited.
14. **Cottage Food Preparation.** Cottage Food Preparation is permitted subject to compliance with Government Code 51035 and Health and Safety Code 113758. Food

preparation and storage shall be done within the primary residence. There shall be no outdoor storage of material while all activities must occur within the primary residence, not including the garage and/or accessory buildings.

15. ***Hazardous Materials.*** Activities conducted and equipment or materials used shall not change the fire safety or occupancy classifications of the premises, nor use utilities different from those normally provided for residential use. There shall be no storage or use of toxic or hazardous materials other than the types and quantities customarily found in connection with a dwelling unit.
 16. ***Nuisances.*** A home occupation shall be conducted such that no offensive or objectionable noise, dust, vibration, smell, smoke, heat, humidity, glare, refuse, radiation, electrical disturbance, interference with the transmission of communications, interference with radio or television reception, or other hazard or nuisance is perceptible at or beyond any lot line of the unit or structure within which the home occupation is conducted, or outside the dwelling unit if conducted in other than a single-family detached residence.
- F. **Multiple Home Occupations.** Only one home occupation per home is permitted.
- G. **Signage.** Refer to Article 22, Signs.
- H. **Prohibited Home Occupations.** The following specific businesses are not permitted as home occupations.
1. Adult-oriented business;
 2. Ambulance services;
 3. Automotive/vehicle repair, painting, body/fender work, upholstery, detailing, washing, including motorcycles, trucks, trailers, and boats;
 4. Automotive/vehicle sales with any on-site storage or sale of vehicles;
 5. Barber, beauty, nail salons, tattoo, body piercing. Tattoo and barber shops with one station or a beauty salon with one station, plus one dryer are excepted. Visits shall be by appointment;
 6. Animal boarding, care, training, breeding, raising or grooming, or veterinary services, conducted on the premises;
 7. Carpentry and cabinet-making businesses;
 8. Commercial food preparation, food handling, processing, or packing other than Cottage Food Preparation as described above;
 9. Firearms manufacture, sales, or repair;
 10. Furniture refinishing or upholstery;
 11. Gymnastic facilities;
 12. Massage parlor;
 13. Medical and dental offices, clinics, and laboratories, or any type of physical therapy, psychotherapy, or massage therapy;

14. Medical marijuana distribution;
15. Mini-storage;
16. Mortuaries;
17. Instructional services for more than two students at one time;
18. Pharmacies;
19. Print shops / Copy centers;
20. Recording studio (electronic composition, recording, and re-mixing conducted with headphones and using no amplification, live instruments or live performance excepted);
21. Repair, fix-it, or plumbing shops;
22. Restaurant;
23. Retail sales;
24. Tanning salon;
25. Towing service;
26. Welding, metal working, and machining businesses; and,
27. Yoga/spa retreat center.

15-2336 ISO Containers

ISO Containers, also known as sea, ocean, or shipping containers, shall comply with the following standards. City-owned sites and ISO Containers used during construction to temporarily store equipment or material are exempt from this section. The ISO Containers shall be removed upon occupancy of the building and/or expiration of the building permit, whichever occurs first.

- A. **Incidental Use.** ISO Containers shall be incidental to the primary use on the site and/or shopping center. They are not permitted as an accessory use to a stand-alone parking lot.
- B. **Condition.** ISO Containers shall be kept in good condition and free of damage, rust, graffiti, signs, banners, etc. Repairs shall be made within 48 hours of being damaged. Graffiti shall be removed within 48 hours.
- C. **Vacant Property.** Not permitted on vacant property.
- D. **Residential Districts.** Refer to Article 20, Parking and Loading.
- E. **Mixed-Use Districts.** Refer to Article 20, Parking and Loading.
- F. **Commercial Districts.**
 1. Shall be located to the rear of the building and shall be screened from Major Streets to the satisfaction of the Director.
 2. Shall be limited to: 1 per each 20,000 square feet of building area. For buildings less than 20,000 square feet, one.
- G. **Industrial Districts.**

1. ***IL District.***
 - a. Shall be screened, to the greatest extent feasible, from Major Streets, including State Highways.
 - b. Shall not be visible from a local street that also serves existing residences and/or planned Residential Districts.
 - c. Shall not be stacked.
 2. ***IH Districts.***
 - a. Shall not be visible from a local street that also serves existing residences and/or planned Residential Districts.
 - b. Shall not be stacked higher than two containers.
- H. **Separation from Residential Districts.** ISO Containers shall be separated by a minimum of 200 feet from Residential Districts and/or residential uses. Caretaker's Residences are exempted from this subsection.
- I. **Separation from Property Lines and Buildings.** Ten feet. There shall be no structures between the containers that connect them.
- J. **Paving.** Containers shall be placed on paved areas, per Public Works standards, to mitigate dust. Industrial Districts are excepted.
- K. **Prohibited Storage.** The ISO may not be used to store flammable liquids or other hazard materials as determined by the Fire Chief.
- L. **Utilities.** There shall be no utility connections to the ISO container.
- M. **Fire Clearances.** The container shall provide adequate access as determined by the Fire Chief.

15-2337 Large-Format Retail

A Large Format Retail, defined as a single tenant that occupies a minimum of 35,000 square feet shall be designed, located, and operated to meet the requirements applicable to Commercial Centers and the following standards.

- A. **Applicability.** If a Large-Format Retail is vacant for a period of at least one year or there is a Change of Occupancy as defined by the California Building Code, the following standards shall apply:
1. ***Landscaping.*** Perimeter landscaping and Parking Lot Shading standards per the applicable Property Development Standards for the District in which it is located. The Director may make exceptions to the strict application of the prescribed standards, however in no case shall the reduction result in a net reduction of 35 percent or greater in the amount of landscaping provided. Landscaping may also be aggregated to minimize the impact on parking areas. In addition, the Director may enter into an agreement that allows the property owner to defer the installation of landscaping for a period not to exceed 18 months from the date of occupancy. The deferment agreement shall be recorded with the County Recorder.

2. ***Bicycling Parking.*** Bicycling Parking shall be provided per Section 15-2028.
3. ***Refuse.*** Refuse Collection Areas shall be provided per Section 15-1616, Trash and Refuse Collection Areas.
4. ***Recycling.*** All new shopping centers or supermarket sites that are required by the State of California Department of Conservation to have a Recycling Center shall have an area designated and improved for the use of a recycling center as part of its original site plan. This area shall be permanently integrated and architecturally compatible with the center and shall provide adequate screening and design features so as to not detract from the design of the center.

15-2338 Manufactured Homes

Manufactured homes shall be designed and operated in compliance with the following standards:

- A. **General Requirements.** Manufactured homes may be used for residential purposes subject to the provisions of this section and the Government Code (Section 65852.3)
- B. **Underlying Districts.** The underlying District Standards shall apply to manufactured homes, including but not limited to building height, access, setbacks, open space, parking requirements, etc. If the home is located in an Infill Area or a site under the auspices of an operative plan, the home shall comply with the standards per the adopted plan or guidelines.
- C. **Design Criteria.** A manufactured home shall be compatible in design and appearance with residential structures in the vicinity and shall meet the following standards:
 1. ***Foundation.*** A manufactured home shall be built on a permanent foundation system approved by the Building Official.
 2. ***Date of Construction.*** Each manufactured home shall have been manufactured within 10 years of the date of issuance of a permit to install the manufactured home and shall be certified under the National Manufactured Home Construction and Safety Act of 1974.
 3. ***Roof Overhang.*** The roof overhang shall not be less than 12 inches around the entire perimeter of the manufactured home as measured from the vertical side of the home. The overhang requirement may be waived at the point of connection where an accessory structure is attached to the manufactured home.
 4. ***Roof Material.*** Roof material shall consist of material customarily used for conventional single-family dwellings, such as tile or composition shingles. If shingles are used, the pitch of the roof shall be not less than three inches vertical to 12 inches horizontal.
 5. ***Siding Material.*** Siding material shall consist of exterior material customarily used for conventional single-family dwellings, such as stucco, wood, brick, stone, or decorative concrete. Metal siding, if utilized, shall be non-reflective and horizontally lapping. Siding material utilized as skirting shall be the same as the material used on the exterior wall surface of the manufactured home.

6. **Skirting.** The unit's skirting shall extend to the finished grade. Skirting that touches the earth shall be treated.
7. **Building Orientation.** The home, including the primary entrance, shall face the street.

15-2339 Mobile Commercial Washing

A. Location.

1. **Residential Districts.** Permitted when the vehicle belongs to the tenant and/or occupant of the building.
2. **Non-Residential Districts.** Permitted in Non-Residential Districts, not to exceed one day per week. Vehicles shall be limited to only employees that work on-site.
3. The washing of vehicles shall only occur on private property.

B. Pavement.

Sites shall be paved with asphalt concrete, concrete, or other acceptable impervious surface per City Standards.

C. Structures.

1. Temporary canopies and shade structures are permitted. Temporary canopies may be required to obtain a Building Permit.
2. When not in operation, all evidence of its use must be removed from the site including all tents, canopies, temporary membranes, barricades, products, signs, litter, etc. Temporary canopies and shade structures shall be removed daily. The parking lot must be left in a clean condition, free of waste. Permanent buildings, structures, and signs are excepted.

D. Business License.

Operators shall obtain a business license.

15-2340 Mobile Vendors

Catering Trucks, Lunch Wagons, Motorized Food Wagons, Mobile Food Trucks, itinerate food vendors, etc. which shall be collectively be referred to as "Vendors" for this section, shall comply with the following standards. This subsection shall not apply to Vendors that are part of a Farmer's Market per Section 15-2330.

A. Private Property.

Vendors may operate on private property as a temporary use.

B. Public Right-of-Way.

Vendors are not allowed in the public right-of-way.

C. Incidental Use.

Vendors shall be incidental to the primary use on the site and/or shopping center. The primary use shall remain open while the Vendor operates.

D. Vacant Property.

Vendors shall not operate on vacant property.

E. Residential Districts.

Vendors shall not operate in Residential Districts.

F. Mixed-Use and Commercial Districts.

1. Vendors may operate on private property for up to two hours on a site and/or shopping center per week. Vendors shall move a minimum of 500 feet.

2. Vendors as part of a Farmer's Market or Flea Market shall not count towards the two hour weekly limit.
 3. Vendors shall not operate within 500 feet of a restaurant during the restaurant's normal business hours. Should the non-mobile business be closed for the day, the separation requirement shall not be applicable.
- G. **Industrial Districts.**
1. Vendors may operate per the Mixed-Use and Commercial Districts standards above, or
 2. Vendors may operate in Industrial Districts to serve on-site employees, up to 30 minutes per stop. Vendors may visit each site twice per employee shift, with three hour intervals between visits. Vendors shall move a minimum of 500 feet between stops.
- H. **Separation Between Uses.** Vendors shall not operate within 100 feet of a Residential District or an existing residential use. Caretaker's Residence and residential units that are part of a vertical mixed-use development are excepted from this provision.
- I. **Construction Sites.** Vendors may operate on construction sites, defined as a site that has a valid Building Permit, for up to 30 minutes per stop or until all patrons are served. Vendors may visit each construction site twice per shift, with three hour intervals between visits.
- J. **City Property.** Vendors may operate on City-owned property with written authorization from the City. Time limits shall not apply to City-owned property.
- K. **Paving.** Vendors shall operate on paved areas per Section 15-2015, Parking Area Design and Development Standards. Construction sites are excepted from this provision.
- L. **Commissary.** Vendors shall operate out of a Commissary.
- M. **Music/Noise.** Noise shall comply with Section 15-2106, Noise.
- N. **Licensing.** Mobile Vendors shall have current Tax Certificate and shall have permits from the County Health Department.
- O. **Alcohol and Tobacco Products.** May not be sold by Vendors.
- P. **Refuse/Litter.** The operator shall provide waste removal and shall be responsible for collecting trash/debris and recycling after each stop. Trash includes material dispensed from the Vendor as well as other items that may be left by patrons.
- Q. **Signs.** Free standing signs, such as A-Frame Signs, shall comply with Article 22, Signs.

15-2341 Motorcycle/Riding Clubs

Motorcycle Clubs may be permitted in accordance with the standard below.

- A. **Location.**
1. Motorcycle Clubs shall not have access to local street that also serves a Residential District, a public or private school, a daycare center, a hospital or care facility, or a park.
 2. Clubs shall be a minimum 500 feet from any planned or zoned residential districts, a public or private schools, daycare centers, or parks. Caretaker's Units are excepted.

- B. **Hours of Operation.** Club activities shall end, and the club shall be closed, between 2 a.m. and 8 a.m. daily. No club activities shall take place between 10 p.m. and 2 a.m. except within an enclosed building.
- C. **Activities.** No dances, to which the public generally may gain admission with or without the payment of a fee, unless the operator has obtained a permit for a Nightclub.
- D. **Parking.** Refer to Article 20, Parking and Loading.

15-2342 Outdoor Cooking for Commercial Purposes

Outdoor cooking, in conjunction with a restaurant or grocery store, may be permitted in accordance with the conditions below.

- A. **Part of an Established Business.** Sales shall be part of the normal business of the establishment. Transactions may be made outdoors however patrons shall also have the option of making transactions inside of the establishment. Should transactions solely be made outdoors and not part of the normal business, it shall be considered a Mobile Vendor.
- B. **Setback from Residential.** A minimum separation of 100 feet from Residential Districts is required to ensure that outdoor cooking facilities do not emit odors into homes. The scale of the operations, prevailing wind patterns, and building orientation will be taken into consideration during the review process and a greater setback may be required to mitigate obnoxious odor.
- C. **Setbacks from Property Lines.** Cooking apparatus shall comply with all setbacks for the underlying zone district, however in no case shall it be closer than 15 feet to any property line.
- D. **Smells/Odors.** The applicant shall provide a written statement outlining how smoke, smells and/or odors will be confined and limited from traveling into Residential Districts.
- E. **Hours of Operation.** For facilities located within 100 feet of residential units that are not part of a Mixed-Use development, outdoor cooking shall be limited between 8 a.m. and 10 p.m. An exception, to extend the hours of Outdoor Cooking, may be made if the operator obtains written approval from all owners and tenants within 100 feet from the subject site.
- F. **Location of Equipment.**
 - 1. Grills shall be located in a designated area and may not be relocated freely throughout the parking area. If located in a parking area, the area dedicated to the use shall be permanently blocked and barriers shall be installed to protect the public.
 - 2. Equipment shall not encroach into designated fire lanes and egress paths from buildings, shall be located no closer than 10 feet to building openings, and no closer than 10 from buildings of combustible construction.
- G. **Attendance.** Fires must be attended at all times.
- H. **Grease.** The applicant shall detail how grease will be captured and disposed of.
- I. **Cleanliness.** The area shall be cleaned daily and shall be free of oil, grease, etc.
- J. **Traffic Circulation.** If proposed on an existing parking area, a plan depicting drive aisles, parking areas, etc., shall be submitted for review and approval.

- K. **Other Approvals.** The applicant shall be responsible for obtaining permits from other agencies, if applicable, including but not limited to the County Health Department, the Fire Department, and San Joaquin Valley Air Pollution Control District.
- L. **Additional Conditions.** The Director may impose additional conditions to ensure that the use does not create a nuisance to surrounding properties.

15-2343 Outdoor Dining and Patio Areas

Eating and drinking establishments, including bars, nightclubs, and smoking establishments, with outdoor dining and/or patio areas shall be located, developed, and operated in compliance with the following standards:

- A. **Application Information.** In addition to any other application materials required, an application for an outdoor dining area shall state the anticipated periods of use during the year, and the proposed hours of daily use, including Saturdays, Sundays, and holidays; and whether any liquor will be consumed.
- B. **Hours of Operation.** Hours of operation shall be limited to the hours outlined in Table 15-2343-B.

TABLE 15-2343-B ALLOWED HOURS OF OPERATION		
<i>Hours of Operation</i>	<i>Outdoor Area Hours of Operation</i>	<i>Setback from Residential¹</i>
Establishments not serving alcohol		
<i>Establishments closer than 100 ft from Residential Districts</i>	Not earlier than 7 a.m. or later than 10 p.m.	-
<i>Establishments further than 100 ft from Residential Districts</i>	Not earlier than 7 a.m. or later than 12 a.m.	-
<i>Establishments further than 250 ft from Residential Districts</i>	No limitations	250 ft
Establishments serving alcohol		
<i>Refer to Article 15-2351, Restaurants with Alcohol Sales; Bars and Nightclubs.</i>		
Smoke/Hookah/Cigar Lounges		
<i>Establishments closer than 150 ft from Residential Districts (in no case shall they be closer than 100 ft)</i>	Not earlier than 7 a.m. or later than 12 p.m.	Min. 100 ft
<i>Establishments further than 150 ft from Residential Districts</i>	Not earlier than 7 a.m. or later than 12 a.m.	150 ft
<i>Establishments further than 250 ft from Residential Districts</i>	No limitations	250 ft

¹ Distance measured from the establishment to the nearest residential property line. Excludes residential use in the same development.

- C. **General Requirements**

1. **Noise.** Music may not be amplified. All music, live or streamed, shall comply with the City's Noise Ordinance, Section 15-2106, Noise.
 2. **Barriers.**
 - a. If required and/or proposed, barriers shall be reviewed and approved by the Director. Barriers shall not exceed 4 feet in height.
 - b. If alcohol is served, barriers may be required as part of the Conditional Use Permit process, as well as the State of California Alcoholic Beverage Control.
- D. **Shade Structures.**
1. Covers, including umbrellas, tents, and/or awnings to protect patrons from inclement weather are permitted subject to review and approval by the Director. Weathered and/or damaged coverings shall be removed immediately.
 2. Enclosed tents are permitted year round, however they shall only be permitted on a temporary basis and shall not substitute for permanent structures.
 3. A building permit is required for any temporary tent or canopy larger than 400 sq. ft.
- E. **Access.** Outdoor dining areas shall not interfere with required pedestrian and/or vehicular access.
- F. **Walkways.**
1. Walkways shall be provided per California Code of Regulations, Title 24, Part 2, California Building Code.
- G. **Lighting.** Lighting shall not disrupt or unnecessarily impact adjoining properties or roadways.
- H. **Parking.**
1. Additional parking is not required when the outdoor area is less than 800 square feet.
 2. If the outdoor dining area exceeds 800 square feet, parking is required for the area in excess of 800 square feet at a ratio of 50 percent of what is required for the use.
 3. For centers with multiple tenants, each tenant may have up to 800 square feet of outdoor dining area.
- I. **Outdoor Dining Area within Public Right-of-Way.**
1. **Encroachment Permit Required.** An encroachment permit approved by the City Engineer is required for any outdoor dining/seating located in the public right-of-way.
 2. **Music.** Amplified sounds from the establishments must not be audible at the property line.
 3. **Parking.** Additional parking is not required when dining is within the public right-of-way.
 4. **Minimum Clearance.** A minimum of six feet of unobstructed sidewalk must remain available for pedestrians. For purposes of the minimum clear path, parking meters, traffic signs, trees, and all similar obstacles shall constitute obstructions within the sidewalk area.

- a. Where the outdoor dining area is located adjacent to a street, and in addition to the requirements stated in subparagraph (1) above, an 18-inch clearance shall be maintained from the face of the curb to the outdoor dining area unless there is parking parallel to the street, in which case a two-foot clearance is required.
- b. No outdoor dining area shall obstruct any points of building ingress and/or egress.
- c. No part of an outdoor dining area shall be permanently attached to the sidewalk or building.
- d. Awnings or umbrellas may be used in conjunction with an outdoor eating area. Permanent covered shade structures and awnings shall obtain a building permit.
- e. Barriers must be in a manner acceptable to the City Engineer, and the design must be approved by the Director.
- f. The design of all improvements and furniture shall be of a quality to sustain weather and wear, and shall be of a material other than molded plastic. Furniture shall be of durable materials such as wrought iron, wood, steel, or cast aluminum. Planter boxes, where used, shall be of quality materials such as precast concrete, terra cotta, or other pottery, and shall not be of plastic.

5. ***Maintenance.***

- a. The permit holder and the property owner shall maintain the outdoor dining area and the adjoining street, curb, gutter, and sidewalk in a neat, clean, and orderly condition at all times, regardless of the source of the refuse and litter.
- b. If necessary, the permit holder or the property owner shall clean the surface of the sidewalk by washing or buffing to remove any stains, marks, or discoloration to the satisfaction of the Department of Public Works and in accordance with prevailing storm water and water quality regulations.
- c. Umbrellas shall be kept clean and in good condition, secure in windy conditions, and fire-treated.

6. ***Insurance.*** An applicant for a permit for an outdoor dining area shall, prior to issuance of such a permit, provide and maintain in full force and effect while the permit is in effect, public liability insurance in an amount specified by the Risk Manager sufficient to cover potential claims for bodily injury, death, or disability and for property damage, which may arise from or be related to the use of sidewalk area for outdoor dining purposes, naming the City of Fresno as an additional insured.

7. ***Use of Property/Public Right-of-Way for Purposes of Operating an Outdoor Dining Area.*** The applicant shall be charged a fee for use of the area to be included in the outdoor dining area, as set by City. In addition, the applicant shall enter into an agreement with the City, which shall contain a provision that the permit is wholly of a temporary nature, that it vests no permanent right whatsoever, that upon 30 days notice, posted on the premises, or by publication in the official newspaper of the City, or without such notice, in case the permitted use shall become dangerous or unsafe, the same may be revoked and the sidewalk furniture ordered removed. Every such agreement shall be filed for record with the Office of the County Clerk

8. ***Suspension of Permit.*** The City shall have the right to suspend or prohibit the operation of an outdoor dining area at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area.

15-2344 Outdoor Retail Sales

Outdoor retail sales shall be located, developed, and operated in compliance with the following standards:

- A. **Seasonal Sales.** For Seasonal Sales, such as Christmas Tree and pumpkin lots, refer to Section 15-2360, Temporary Uses.
- B. **Temporary Outdoor Sales.** For Temporary Outdoor Sales, refer to Section 15-2360, Temporary Uses.
- C. **Permanent Outdoor Display/Sales.** The permanent outdoor display of merchandise—except for Automobile and Motorcycle Sales and Leasing, which is subject to Section 15-2310—requires approval and shall comply with the following minimum standards:
 1. ***Relationship to Main Use.*** The outdoor display and sales area shall be directly related to a business occupying a primary structure on the subject parcel.
 2. ***Display Locations.*** Displayed merchandise shall occupy a fixed, specifically approved and defined location that does not disrupt the normal function of the site or its circulation and does not encroach upon parking spaces, driveways, pedestrian walkways, or required landscaped areas. These displays shall also not obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic. Specifically:
 - a. A four-foot pedestrian pathway shall be maintained and not blocked by merchandise. If there is more than a four-foot wide pathway provided, merchandise may be displayed in an area outside of this four-feet.
 - b. If a portion of the pedestrian pathway is shaded by a building overhang, the four-foot pedestrian pathway rather than the merchandise must be located under the overhang.
 - c. If located in the public right-of-way, an encroachment from the Public Works Department is required.
 - d. Location of the displayed merchandise may not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
 3. ***Building Setback of 15 Feet or Less.*** Merchandise shall be no closer than 15 feet from a public street unless the building is located closer to the street. If so, merchandise may be located closer than 15 feet
 4. ***Building Setback Greater than 15 Feet.*** Outdoor sales shall be located entirely on private property outside any required setback (or landscaped planter in zoning districts that do not have required setbacks), fire lane, or fire access way. A minimum setback of 15 feet from any public right-of-way is required.

5. **Merchandise.** Only merchandise generally sold at the business shall be permitted to be displayed outdoors.
6. **Screening.** Screening is not required, however when proposed in a Commercial District and when visible from a major street, a decorative fence is required (chain link is prohibited). This requirement shall not apply to:
 - a. Seasonal Sales (i.e., Christmas Trees, Pumpkin Lots).
 - b. Temporary Outdoor Sales.
7. **Signs.** Additional signs, beyond those normally allowed for the subject use, shall not be provided as a result of the outdoor display and sales area;
8. **Refuse/Litter.** The operator shall provide waste removal and shall be responsible for collecting trash and recycling after each event, including the parking lot.
9. **Signs.** Signs may be provided in compliance with Article 22, Signs.
10. **Transactions/Point-of-Sale.** All sales shall occur as part of the normal business activity of the establishment, via a register, or hand-held device. Patrons shall have the option of paying for purchases in the establishments as part of normal business activity.
11. **Other Conditions.** The Director may impose other conditions that would ensure the operation of the proposed temporary outdoor sales in an orderly and efficient manner.

15-2345 Pay Phones

Pay phones installed outside of a building are permitted subject to the following requirements.

- A. Pay phones are permitted in non-residential districts.
- B. Pay phones shall comply with the property development standards of the underlying District and in no case shall they be located closer than 20 feet to Single Family Districts.
- C. Pay phones shall be within 10 feet of the main entrance of a business.
- D. Pay phones shall be restricted to outgoing calls.
- E. Pay phones may only be installed and operated where there is a legitimate business. Should a business close, the pay phone shall be removed.
- F. Pay phones, and the area immediately around the phone, shall be kept clean of litter, graffiti, etc.
- G. Adequate lighting shall be provided to light the pay phone and the area immediately around the phone.
- H. Inoperative and/or abandoned pay phones, including booths shall be removed within 30 days.
- I. Pay phones shall comply with Section 10-605 of this Code.

15-2346 Personal (Mini) Storage

Personal storage facilities shall be located, developed, and operated in compliance with the following standards. Where the standards of this Section appear to conflict with the standards of the base district, the standards of this Section shall prevail.

- A. **Business Activity.** All personal storage facilities shall be limited to dead storage only. No retail, repair, or other commercial use shall be conducted out of the individual rental storage units.
- B. **Uses Allowed.** Such use shall consist of the renting and leasing of individual storage space for storing personal property, stock-in-trade materials and equipment, automobiles, and recreational vehicles. The following shall be allowed as accessory uses:
 - 1. A caretaker's residence;
 - 2. The retail sale of items appurtenant to the on-site rental of storage spaces;
 - 3. The lien sale of stored goods as authorized by California Business and Professions Code, Chapter 10, Division 8, Section 21700 et. seq.; and,
 - 4. The rental of trucks, trailers, and dollies.
- C. **Notice to Tenants.** As part of the rental process, the facility manager shall inform all tenants of conditions restricting storage of hazardous materials and limitation on the use of the storage units.
- D. **Open Storage.** Open storage, outside an enclosed building, shall be limited to vehicles, boats, recreational vehicles, and trailers. Outdoor storages areas shall screened from public view by building façades or solid fences. At the discretion of the Director, the treatment of the ground surface of the open storage area may be gravel or other materials as prescribed by the San Joaquin Valley Air Pollution Control District, the City of Fresno Public Works Department, the City of Fresno Fire Department, and the Fresno Metropolitan Flood Control District.
- E. **Exterior Wall Treatments and Design.** Exterior walls/fences visible from a public street or Residential District shall be constructed of decorative block, concrete panel, stucco, or similar material. These walls shall include architectural relief through articulation, trim, change in color at the base, variations in height, the use of architectural “caps,” attractive posts, or similar measures. Columns visible from public streets shall be spaced a maximum of 25 feet apart. Gate(s) shall be decorative iron or similar material.
- F. **Screening.** Where exterior walls are required or proposed, they shall be constructed of decorative block, concrete panel, stucco, or similar material. The walls shall include architectural relief through variations in height, the use of architectural “caps”, attractive posts, or similar measures. A gate(s) shall be decorative iron or similar material.
- G. **Fencing.**
 - 1. A six-foot-high security fence shall be provided around the perimeter of the development at locations where the solid façades of the storage structures do not provide a perimeter barrier.
 - 2. A wrought iron fence or gate or an approved equivalent shall be required at the entrance to the facility.
 - 3. A storage building located on the side or rear property line may be used as a required fence or wall.
- H. **Hours of Operation.** Hours of operation shall be limited to the hours 7 a.m. to 7 p.m. if the facility abuts Residential Uses or Districts, including residential that may be part of a mixed use

development. If the facility abuts commercial, industrial, or public facilities, it may remain open until 10 p.m.

I. Setbacks.

1. **Front and Street Side.** When the subject site abuts a street, a yard of 10 feet or more as required elsewhere in this Code, shall be provided, landscaped and maintained in accordance with the requirements of this Code. Fences/walls shall be located behind this landscaping.
2. **Interior Side and Rear.** None required if the building height does not exceed 11 feet.

J. Other Requirements.

1. When adjacent to parcels within an RS or RM district, the roof of any building exceeding 11 feet in height shall incorporate colors and angles commensurate with those of the adjacent properties.
2. Lighting which is provided to illuminate parking or building areas shall be hooded and arranged and controlled to eliminate any nuisance to the surrounding uses. The height of lighting which illuminates outdoor vehicular storage areas shall be approved at the discretion of the Director.
3. The height of any building when located less than 40 feet from any property line that abuts property that is zoned or planned for single family residential uses, shall not exceed 11 feet.
4. A public address system shall not be allowed when the facility is located within 1,000 feet of any property zoned or planned for residential uses. This does not include alarm systems.
5. **Caretaker's Residence.** A Caretaker's Residence shall provide a minimum one parking space in an enclosed garage and shall provide a minimum private yard for use by the residence of 100 square feet where at least one dimension is a minimum of 8 feet in length.

15-2347 Pool and Billiards

- A. **Four or Less Pool and Billiard Tables and/or Shuffleboards.** Any commercial establishment may have up to four pool and billiard tables and/or shuffleboards, or combination thereof, for the enjoyment of patrons.
- B. **Five or More Pool and Billiard Tables and/or Shuffleboards.** Should an establishment provide five or more tables, the facility shall be classified as Pool and Billiards Lounge.
- C. **Employee Presence.** An establishment that provides pool and billiard tables and/or shuffleboards, regardless of the number of tables, shall have an employee present during all hours of operation.

15-2348 Power Poles

Power Poles on private property for either a temporary period or permanently may be permitted subject to a valid Building Permit, and/or active Temporary Use per Section 15-2360, Temporary Uses.

15-2349 Private Recreational Sports Facilities

Private Recreational Sports Facilities, as part of a gymnasium/health clubs, on residential property, or as the primary use on a site, such as a golf course, golf-driving range, archery range, rock climbing, kart racing, motocross and BMX tracks, ice hockey, ice skating, roller skating, roller hockey, roller derby, inline skating, skate parks, basketball courts, or soccer, baseball, softball, cricket, field hockey, or lacrosse fields, horse riding courses, or similar activities as determined by the Director, shall be subject to the following standards:

- A. For outdoor facilities that provide batting cages, golf courses, golf-driving ranges, paintball, archery or similar activities, fences, nets, or walls shall be provided that are capable of stopping all projectiles fired and/or hit by containing or redirecting the projectile to the backstop.
- B. **In Non-Residential Districts.** Outdoor activities, such as batting cages and paintball, that may generate unwanted noise, shall cease at 10 p.m. (and may not renew operations until 8 a.m. the following morning) unless separated by a minimum of 400 feet from a Residential District. A greater distance may be required if the proposed use, such as motocross, generates above-average ambient noise levels.
 - 1. **Fencing.** Fencing for outdoor activities shall be reviewed on a case-by-case basis. Consideration shall be given to streets, homes, etc.
- C. **In Residential Districts.** Any outdoor activities, such as batting cages, that may generate unwanted noise, shall be limited to the hours of 8 a.m. to 8 p.m. Additional mitigation measures may be required to mitigate noise to acceptable levels. Any enclosures used for activities must not be visible from the street and must be screened from adjoining residences. Artificial lighting is not permitted.
 - 1. **Fencing.** Refer to Section 15-1606, Fences, Walls, and Hedges.

15-2350 Recycling Facilities

Recycling facilities shall be located and operated in compliance with the following standards:

- A. **Reverse Vending Machines.**
 - 1. **Accessory Use.** Reverse vending machines may be installed as an accessory use to a permitted or conditionally permitted primary use on the same site.
 - 2. **Location.** Machines shall be located adjacent or as near as feasibly possible, to the entrance of the commercial host use and shall not obstruct pedestrian or vehicular circulation. Machines shall be located against a wall and may not be located in parking areas.
 - 3. **Identification.** Machines shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative.
 - 4. **Signs.** Machines shall have a maximum sign area of four square feet exclusive of operating instructions.

5. **Lighting.** Machines shall be illuminated to ensure comfortable and safe operation between dawn and dusk.
 6. **Trash Receptacle.** Machines shall provide a 40-gallon garbage can for non-recyclable materials located adjacent to the reverse vending machine.
 7. **Hours of Operation.** No restrictions.
- B. **California Redemption Value (CRV) Recycling Centers.** CRV Recycling Centers are facilities available for the general public for the recycling of products such as glass, aluminum cans, and plastic beverage containers as defined by the State's Department of Resources Recycling and Recovery.
1. **Materials.** CRV and Commingled Materials as defined by Government Code 14506.5 and 14512 of the California Beverage Container Recycling & Litter Reduction Act may be accepted. Newspapers, cardboard, copper, or industrial materials may not be accepted, unless the facility is located within an industrial district.
 2. **Minimum Lot/District Size.** One Acre. If part of a Unified Shopping Center, the center shall be a minimum of one acre in area. If the Recycling Center is the sole or primary use on the site, only one-half (1/2) acre is required. If the proposed facility is located within a permanent building and all sorting and storage is conducted within a completely enclosed building, this requirement will not apply.
 3. **Districts.**
 - a. Facilities are permitted in Commercial or Employment Districts in conjunction with a retailer such as a supermarket, super drug store, or other retailer that sells CRV-type goods, except in Industrial District where Recycling Centers may be the primary use.
 - b. Recycling Centers may be located in a Commercial District that does not house a retailer that sells CRV-type goods, subject to the following:
 - i. The parcel must within 1,320 feet of an existing supermarket, super drug store, or other retailer that sells CRV type goods.
 - ii. The site shall be a minimum one acre in area.
 - iii. The facility shall comply with all property development standards, including setbacks, landscaping, parking, etc., of the zone district in which the facility is located.
 - iv. The site must be located within an unserved (and non-exempt) convenience zone as defined by the State of California Department of Resources Recycling and Recovery.
 4. **When Allowed.** New Recycling Centers in Commercial Districts shall only be permitted in unserved (and non-exempt) convenience zones.
 5. **Maximum Size.** The Recycling Center shall be limited to a maximum footprint of 700 square feet. Of these 700 square feet, only 500 square feet may be used for building

and/or storage area. The remaining 200 square feet may be used for office space, staging areas, or patios/permanent shade structures. If the facility is proposed in a permanent building, a larger building area will be allowed on a case-by-case basis.

6. ***Separation.***
 - a. *From Residential.* 75 feet
 - b. *Public Streets.* 20 feet
 - c. *From Another Recycler.* New CRV Recycling Centers shall not be located within a half-mile of an existing recycling center (or an existing light processing facility that accepts CRV material from the general public). This distance shall be measured from the boundaries of the actual facility and not the property line.
7. ***Parking.*** Patrons and the attendant shall not reduce available parking spaces below the minimum number required for the existing buildings.
8. ***Pavement.*** The area used for recycling, parking and/or storage shall be paved per Public Works Standards for parking lots.
9. ***Equipment.*** No power-driven processing equipment, except for reverse vending machines, may be used.
10. ***Containers.*** Containers shall be constructed of durable waterproof and rustproof material(s) and secured from unauthorized removal of material. Capacity sufficient to accommodate materials collected in the collection schedule. ISO containers shall comply with Section 15-2336.
11. ***Identification.*** Containers shall be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator and the hours of operation.
12. ***Signs.*** Signs shall be a maximum of 20 percent per side of facility or container or 16 square feet, whichever is larger. In the case of a wheeled facility, the side is measured from the pavement to the top of the container.
13. ***Site Maintenance.*** Sites shall be maintained clean, sanitary, and free of litter and any other undesirable materials.
14. ***Voucher System.*** The Police Chief may require that a Recycling Center implement a voucher system. No money shall be kept in or about the licensed premises. The petitioner shall implement and utilize a voucher system to compensate patrons for raw recycled materials purchased by the business. The center shall provide the patron with a “voucher” which can be exchanged for cash at a predetermined business establishment (i.e. stores, check cashing locations, etc.).
15. ***Video Surveillance.*** The Police Chief may require that the site be monitored by video surveillance.
16. ***Building/Structure Design and Architectural Compatibility.***
 - a. Recycling Centers shall be limited to single story structures with a height no greater than 10 feet (12 feet if the structure includes architectural features), unless proposed in a permanent building.

- b. Containers shall be constructed of durable waterproof and rustproof material(s) and secured from unauthorized removal of material. Capacity must be sufficient to accommodate materials collected in the collection schedule.
- c. A typical ISO container or other type of metal building or structure may be permitted if it is:
 - i. Screened by a permanent decorative wall consistent with the architecture of the shopping center; or
 - ii. Contained within a permanent or semi-permanent sheath-type structure that is consistent or compatible with the architecture of the shopping center.
- d. The storage container shall be painted to match the existing shopping center including the body color and all trim existing. Prominent architectural features of the center (such as tile accents) shall be incorporated into the design of the storage container.
- e. Screen walls shall be architecturally compatible with the existing shopping center. Chain link fencing may be permitted if it is not visible from a public street or a Residential District.
- f. If the facility conducts most of its business outdoors and is not shaded by adjacent trees or buildings during operating hours, a shade structure is allowed for employees. Permanent shade structures are encouraged, but portable shade structures, tents, or umbrellas may be provided for the comfort and safety of the customers and attendant on a case-by-case basis. Shade structures shall remain clean and in good order and shall be replaced if damage or excessive wear becomes visible. To the extent possible, this shade structure or tent shall be architecturally compatible with the shopping center and recycling facility (i.e., nude or of similar colors as the building, and no bright blue tarp-colored tents or shade structures). The maximum square footage of these shade structures is 120 square-feet. Please include the details of the shade structure(s) in the operational statement. Elevations will be required with application submittal.

17. ***Landscaping.***

- a. Sites shall be in compliance with approved Landscape Plans.
- b. If the site was developed prior to existing Landscaping requirements, landscaping within the immediate vicinity of the storage container and sorting area shall be provided.

18. ***Site Maintenance and Operational Requirements.***

- a. Recyclable materials shall be stored in containers or in the storage unit.
- b. CRV Centers shall maintain an adequate on-site refuse container for disposal of non-hazardous waste and a container for customers to pour remaining liquids into from their CRV materials. These refuse containers shall be screened from public view.

- c. Containers shall be clearly marked to identify the type of accepted material, the name and telephone number of the facility operator and the hours of operation.
- d. The storage unit and surrounding area shall be cleaned and washed and all litter surrounding the site removed as needed to maintain a safe and healthy environment.
- e. The operator shall ensure compliance with the Fresno Metropolitan Flood Control District.
- f. All shopping carts found within 25-feet of the recycling center not belonging to the existing shopping center shall be returned to their owners. Shopping carts are prohibited on the premises and within 25 feet of the area used to accept recyclable materials.
 - i. The applicant shall indicate in the operational statement how these requirements will be accomplished.
 - ii. Post a sign advising that it is illegal to take shopping carts or that possession of shopping carts is a misdemeanor.
 - iii. The operator must comply with the Abandoned Shopping Carts Ordinance, Fresno Municipal Code Section 9-3101 et seq., as may be amended.
- g. Signs shall be posted informing customers of the Abandoned Shopping Cart Ordinance (Section 9-3103 of the Fresno Municipal Code).
- h. An on-site restroom facility or a written letter from a nearby store within in the shopping center that allows the recycling center employees to use the store's on-site restroom facilities is required.
- i. The Recycling Center shall be illuminated to ensure comfortable and safe operation.

19. ***Other Requirements.***

- a. Recycling facilities must obtain a Solid Waste Recycling Permit from the Code Enforcement Division.
- b. Frequent responses by the Fresno Police Department (FPD) arising out of or relating to the operation or management of the real property owned or controlled by the permit-holder causing any combination of the following: animal disturbances; violent criminal acts; illegal consumption of intoxicants in public view; gaming activities; and juvenile disturbances, or any of the other activities set forth in the Fresno Municipal Code (FMC) Section 10-708(g) may result in an FPD recommendation to the Director to commence proceedings to revoke the site plan review or conditional use permit application for violation of the Management of Real Property Ordinance. In addition to recommending the commencement of revocation proceedings, the FPD may pursue any of the other remedies set forth in FMC, Section 10-710, including assessing fines

against the proprietor for the violations of the Management of Real Property Ordinance.

- c. "Frequent," for this subsection, means response by the Fresno Police Department is occurring more than 1.5 times the average number of such responses (3 calls for every 2) for property of a similar size and character within the same policing district."

C. **Recycling Processing Facility.**

1. **Minimum Lot Size.** Three acres.
2. **Location.** Facilities shall not abut a residential district or use and shall have direct access to a Major Street that is properly designated to accommodate the type of traffic that will be generated by the facility.
3. **Screening.** The facility shall be screened from public rights-of-way, by a Screen Wall, per 15-1608-C, or within an enclosed structure. Frontage landscaping (a minimum of 10-feet) is required.
4. **Pavement.** The area used for recycling, parking and/or storage shall be paved per Public Works for parking lots.
5. **Outdoor Storage.**
 - a. Exterior storage of material shall be in sturdy containers or enclosures that are secured and maintained in good condition. Storage shall not be visible above the height of the required Screen Wall.
 - b. Exterior storage of materials, other than baled material, shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition.
6. **Identification.** Facilities shall be clearly marked with the name and phone number of the facility operator and hours of operation.
7. **Processing.** Processing facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable and reusable materials.
8. **Noise.** Shall comply with the Noise standards, per Section 15-2106.
9. **Fluids.** A processing facility may accept used motor oil and/or used oil filters for recycling from the generator in accordance with Government Code 25250.11 of the California Health and Safety Code. All storage of used motor oil and/or used oil filters must be within a containment apparatus capable of containing all stored oil in the event of a spill or leak. No containment apparatus shall exceed a capacity greater than 55 gallons. All used motor oil and/or used oil filter storage containers shall be located on an approved surface.
10. **Batteries.** A processing facility may accept used lead-acid batteries in accordance with Government Code 25215.1 of the California Health and Safety Code Section 25215.1. All batteries must be stored inside an enclosed building.

11. ***Hours of Operation.*** If the facility is within 500 feet of a Residential District, or an existing home, it may not operate between the hours of 7 p.m. and 7 a.m.
12. ***Personnel.*** The facility shall be administered by on-site personnel during the hours the facility is open.
13. ***Maintenance.*** If CRV materials are accepted, compliance with the Site Maintenance and Operational Requirements of Section 15-2350-B.18 is required.

15-2351 Restaurants with Alcohol Sales; Bars and Nightclubs

A. Permitted Districts.

1. Restaurants that serve alcohol for on-site consumption, Bars, and Nightclubs may be established as allowed in the base zoning district.
2. A discretionary permit shall not be required for on-site alcohol consumption for the uses below subject to review and approval of an operational statement from the applicant to the Director. If in the opinion of the Director, the request is for retail purposes, the use must be permitted per the Base District.
 - a. Daily Licenses;
 - b. Veterans' Clubs that are restricted to members and their guests only;
 - c. Nonprofit Temporary Licenses;
 - d. Hospitals;
 - e. Cultural and Art Museums operated by non-profit organizations;
 - f. Bed and Breakfast Inns that offer complimentary drinks to their guests; and
 - g. Hotels and Motels that offer complimentary drinks to their guests.

B. Operational Statement. Applicants shall submit an operational statement which shall include, but not be limited to the following:

1. Information as to persons doing business under fictitious names, members of partnerships, and officers of corporations or associations.
2. Exhibits that include a site plan and a detailed floor plan of the premises.
3. An evacuation plan in case of emergency (Bars and Nightclubs).
4. Hours of operation.
5. Security Plan (including efforts to ensure that the parking area is monitored to prohibit loitering and crowd and line control).
6. Efforts that have been taken to discuss the proposal with neighbors.
7. Copy of a valid Business Tax Certificate, if in business.
8. Any additional information as the Director may reasonably require to properly evaluate the application.

- C. **Multiple Phases of Operation.** If a business proposes to operate in more than one mode of operation (e.g., a Restaurant that converts to a Nightclub in the evening), each use shall be evaluated and conditions shall be assigned accordingly. All proposed uses must be allowed in the district.
- D. **Alcohol Sales.** If the business serves alcoholic beverages, it is required to obtain the appropriate license from the State of California Department of Alcohol Beverage Control (ABC).
- E. **Types of Dancing Establishments.**
1. **Restaurant.** Dancing is permitted, however it shall be incidental to the primary use.
 2. **Bar.** Dancing is permitted, however it shall be incidental to the primary use.
 3. **Nightclub.** Dancing is permitted.
 4. **Single Event.** Single event dances may be conducted by nonprofit organizations where such dances are not open to the general public. A total of 10, single event dances may be held per calendar year per nonprofit organization. A permit is not required. Should an establishment conduct more than 10 dances, a permit to establish a Nightclub shall be required.
- F. **Special Standards.**

TABLE 15-2351-F: SPECIAL STANDARDS					
Use	Time to Stop Sales, Service, and Consumption of Alcohol	Separation from Residential ¹	Permit	Neighborhood Meeting	Granting Authority
Restaurants (Should an establishment seek to stay open after 11 p.m., it shall be considered a Bar or Nightclub for permit purposes)	11 p.m.	NA	BR	No	Director
Wine Tasting (wine only) (Should an establishment seek to stay open after 11 p.m. or serve alcoholic beverages other than wine, it shall be considered a Bar or Nightclub for permit purposes)	11 p.m.	NA	BR	No	Director
Bar	2 a.m.	Less than 300 ft.	CUP	Yes	Planning Commission
		300 ft. or greater	CUP	No	Director
Nightclub (whether or not they sell alcoholic beverages; for under aged persons, refer to Table 15-2351-G)	2 a.m.	Less than 400 ft.	CUP	Yes	Planning Commission
		400 ft. or greater	CUP	No	Director
¹ Minimum horizontal distance, measured in ft., between the building, or portion of a building, occupied by the use, and the closest property line of property planned or zoned for residential uses, not including residential part of the project or part of a vertical mixed-use development. The separation criteria is not subject to modification by a permit					

G. Nightclub Hours of Operation.

TABLE 15-2351-G: NIGHTCLUB HOURS		
<i>Age of Participants</i>	<i>Closing Hour</i>	<i>Extensions</i>
Under 18 years of age	12 midnight	Dances in partnership with an accredited School, nonprofit youth organization, such as sober graduation, may stay later if approved by the Police Department. Evidence of the partnership shall be provided to the City in advance of any scheduled event.
18 and over	2 a.m. if closer than 300 ft. from a Residential District	5 a.m. on New Year's Day
Restricted Hours	Nightclubs may not be open between 4:00 a.m. and 8 a.m	

H. Last Call for Alcohol. Each establishment may establish the time of “last call” for ordering alcoholic beverages, so long as the hours to stop consumption are respected.

I. Outdoor Patios. Refer to Section 15-2343, Outdoor Dining and Patio Areas.

J. Noise.

- Noise decibel levels shall be monitored by the establishment to ensure compliance with the applicable General Plan Noise Standards and the Noise Standards found in Section 15-2106, Noise.
- Doors and windows shall remain closed, after 10 p.m. to minimize noise, except as needed to allow for the normal entry and exit of patrons to and from the establishment. Emergency access shall be maintained per City standards. This subsection shall not apply to businesses that are separated a minimum of 400 feet from Residential Districts.

K. Posting Hours of Operation and Address. The owner and/or proprietor and/or applicant shall be responsible to conspicuously post the hours of operation for each phase type (i.e., restaurant, nightclub) near the entrance of the establishment. It shall be 8.5×11 inches in size, to be in a format provided by the City. This posting shall be made available to City officials upon request.

L. Security. The Police Department shall make a recommendation to the Director for security measures for each application based upon the function of the establishment as described in the operational statement.

M. Loitering.

- The owner and/or proprietor and/or operator of the establishment is responsible to provide supervision (i.e. security) to prevent loitering in the immediate vicinity of the establishment.
- During operating hours, the owner and/or proprietor shall prohibit loitering in the parking area.
- After closing hours, the immediate vicinity of the establishment including its designated parking area, shall be cleared within 15 minutes, except for employees of the establishment. The designated parking area, shall be oriented away from residences as much as possible, and shall be clearly depicted on the development plan submitted for the permit.

4. In the event that there is more than one establishment sharing a parking area, adjustments to the conditions of approval for each establishment shall be made so that there is a shared responsibility.
- N. **Third Party Promoters.** Whenever an event is promoted by a Third Party the licensee/owner and/or proprietor and/or operator of the premises shall require that said Third Party obtain a business tax certificate from the City prior to holding such event.
- O. **Neighborhood Meeting.** An application for a Bar less than 300 feet from Residential per Table 15-2351-F or Nightclub less than 400 feet from Residential per Table 15-2351-F shall be subject to the following:
1. **Meeting.** The applicant shall conduct a public meeting, at its expense, prior to submitting their application. The purpose of this meeting is to acquaint the neighborhood with the proposed operation and to receive comment. The applicant shall provide participants with a detailed operational statement which shall also be submitted to the City. A detailed report of the meeting shall be submitted to the city with the application.
 2. **Notices.** Notices of the meeting shall be mailed by first class mail, a minimum 10 days prior to the meeting date, to every owner whose name and address appears on the last equalized County Assessment Roll for any property within 350 feet of the exterior boundaries of the subject property, or District if within a shopping center. Proof shall be submitted to the City that such a notice was mailed.
 3. **Location.** The meeting shall be held at a place acceptable to the Director.
 4. **Time.** The meeting shall begin between the hours of 6:00 p.m. and 7:00 p.m.
 5. **Days.** The meeting shall not be held on a Friday, Saturday, Sunday, or on any Federal or State Holiday.
 6. **Posting.** The owner/proprietor/applicant shall be responsible to post required notices in a prominent place near the entrance to the premises to make it apparent that a Community Meeting will be held. It shall be 11×17 inches in size, in a form acceptable to the City.
- P. **Non-Operating Rule.** Whenever all of the rights granted by a permit are discontinued, the following rules to reestablish the use shall apply:
1. **One Year or Less:** The same operator or a different operator may reestablish the use pursuant to the preexisting conditional use permit and all conditions applicable thereto.
 2. **More Than One Year:** A new permit is required.
- Q. **Existing Uses**
1. **Nonconforming.** Existing establishments that have been legally established under previous regulations but do not conform to current law, may continue to operate as a recognized nonconforming use pursuant to Article 4, Nonconforming Uses, Structures, and Lots.
 2. **Loss of Nonconforming Status.** Changes to an existing use that would cause the loss of a nonconforming status are, but not limited to, the following:

- a. When a business is closed for one continuous year;
 - b. Change of use, e.g., from restaurant to a night club or if a single use would like to establish multiple uses;
 - c. An increase of floor area (including patio area) for the existing use; and
 - d. A request to close at a later time.
- 3. Pursuant to §23790 of the Business and Professional Code, State of California, a change in license type for the sale of alcoholic beverages (ABC License: i.e., from type 41 to type 47) shall be considered an interruption of use, requiring that the new license type be consistent with current zoning and land use regulations.
 - 4. When a nonconforming status is lost, any subsequent use must be consistent with current zoning and land use regulations and a new permit is required.

15-2352 Roadside Fruit Stands / Grower Stands

Roadside Fruit Stands may be located, developed, and operated in compliance with the following standards. The rights and privileges extend to active farms per the use regulations of the underlying base district.

A. Products.

- 1. Agricultural products produced on the premise shall account for 75 percent of all products.
- 2. Up to 25 percent of products may be produced off-site, however all products shall be agriculturally related.
- 3. Nonagricultural products, livestock, alcohol, and tobacco products are prohibited.

B. Seasonal and Holiday Sales. Sales shall be limited to the products being sold per Subsection A above.

C. Structures.

- 1. When not in operation, all tables, tents, canopies, temporary membranes, barricades, products, signs, litter, etc. shall be removed. Permanent buildings and structures are excepted.
- 2. Structures shall be considered a public nuisance and shall be abated pursuant to the Public Nuisance Ordinance after six months after the Fruit Stand closes.

D. Setbacks.

- 1. ***Streets.*** Structures and parking areas shall be setback a minimum 20 feet from the nearest travel lane.
- 2. ***Interior and Rear Property Lines.*** Structures and parking areas shall be setback a minimum 35 feet from interior and rear property lines.

E. Refuse/Litter. The operator shall provide waste removal and shall be responsible for collecting trash, including the parking lot.

- F. **Other Agencies.** Review and approval may be required from other agencies, including Fresno County Health Department.

15-2353 Second and Outdoor Kitchens

An outdoor, enclosed, or second kitchen may be permitted in a Single-Family District subject to the property development standards of the underlying district and the following:

1. The additional kitchen shall be incidental, related, and clearly subordinate to the principle use and shall not alter the principal use.
2. If enclosed, the enclosed kitchen area shall not exceed 110 square feet. If the area exceeds 110 square feet, it shall comply with Section 15-2354, Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters.
3. The kitchen area shall meet all yard setback requirements.
4. If enclosed, the enclosed area, shall not be converted to a separate living unit.
5. If attached to the main building, the second kitchen shall have direct access to the main building.
6. Cooking shall only be for the enjoyment of the residents and/or their guests and shall be limited to noncommercial purposes.
7. Only one electric/gas meter is permitted per single family parcel.

15-2354 Second Dwelling Units, Backyard Cottages, and Accessory Living Quarters

- A. **Purpose.** The purpose of this section is to:
1. Maintain the single-family character of neighborhoods;
 2. Ensure that new units are in harmony with developed neighborhoods; and
 3. Allow Second Dwelling Units as an accessory use to Single-Unit Dwellings, consistent with the Government Code (Section 65852.2).
- B. **Architectural Compatibility.** If visible from a public street or park, the architectural design, roofing material, exterior materials and colors, roof pitch and style, type of windows, and trim details of the Second Dwelling Unit, Backyard Cottage, or Accessory Living Quarters shall be substantially the same as and visually compatible with the primary dwelling.
- C. **District Standards.** Second Dwelling Units, Backyard Cottages and Accessory Living Quarters may be established on any lot in any residential district. Only one Second Unit, Backyard Cottage or Accessory Living Quarters may be permitted on any one lot. Minor Deviations and/or Variances to meet the minimum lot sizes are not permitted.
1. ***Second Dwelling Unit.*** 6,200 square feet
 2. ***Backyard Cottage.***
 - a. *Interior Lot Size:* 6,000 square feet
 - b. *Corner Lot Size:* 5,000 square feet

3. ***Accessory Living Quarters.*** 5,000 square feet
- D. **Type of Unit.**
1. ***Second Dwelling Unit.*** May provide separate, independent living quarters for one household. Units may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Kitchens, including cooking devices are permitted.
 2. ***Backyard Cottage.*** May provide separate, independent living quarters for one household. Units may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Kitchens, including cooking devices are permitted. Backyard Cottages shall be located behind the primary dwelling unit, unless attached and integral to the primary dwelling unit.
 3. ***Accessory Living Quarters.*** Accessory Living Quarters provide dependent living quarters. They may be attached, detached, or located within the living areas of the primary dwelling unit on the lot, subject to the standards of this subsection. Accessory Living Quarters may not provide kitchen facilities, however a bar sink and an under-counter refrigerator are allowed, but no cooking devices or other food storage facilities are permitted. Accessory Living Quarters shall not be located in front of the primary single-family dwelling.
- E. **Maximum Floor Area.** The following are the maximum square footages of habitable area. The following calculations only include habitable floor space. Minor Deviations and/or Variances are not permitted to increase the maximum floor areas.
1. ***Second Dwelling Units.*** 1,250 square feet
 2. ***Backyard Cottages.*** 440 square feet
 3. ***Accessory Living Quarters.*** 500 square feet or 30 percent of the primary single-family dwelling, whichever is less.
- F. **Development Standards.** Units shall conform to the height, setbacks, lot coverage and other zoning requirements of the zoning district in which the site is located, the development standards as may be modified per this subsection, other requirements of the zoning ordinance, and other applicable City codes.
- G. **Lot Coverage.** Per the underlying zone district.
- H. **Setbacks.**
1. ***Front Yards.*** Per the underlying zone district.
 2. ***Side Yards/Street Side Yards.*** Per the underlying district.
 3. ***Rear Yards.*** Shall be separated from the main home by a minimum of six feet.
 - a. ***Second Dwelling Unit.*** Per the underlying zone district.
 - b. ***Backyard Cottage and Accessory Living Quarters.***
 - i. Alley Present: 3 feet

- ii. No Alley Present.
 - (1) Abutting an RS: 10 feet
 - (2) All Other Districts: 5 feet
- I. **Building Entrances.** Entrances from an Accessory Living Quarters or a Backyard Cottage shall not be visible from the street, unless the parcel is a corner parcel and the entrance is oriented to the opposite street as the primary residence.
- J. **Space Between Buildings.** If detached, there shall be a minimum of 6 feet from the primary residence, or 10 feet if there is an entry from either one of the units into the space between.
- K. **Building Height.** 30 feet.
- L. **Openings.**
 - 1. For two story buildings, there shall be no openings, such as windows and doors, within 10 feet from an interior side or a common rear property line with another single family home.
 - 2. Clerestory windows, six feet from the floor of the interior of the unit, are excepted.
 - 3. The Director may grant a waiver, for detached units that are located 10 feet or less from a side or rear property line on walls facing said property lines if he/she finds that there are no substantial privacy, noise, health and safety or visual impacts to neighbors associated with the location and siting of the detached unit.
- M. **Parking.** Parking shall comply with the following:
 - 1. ***General Parking Conditions.***
 - a. The parking outlined below shall be provided in addition to the required parking for the primary dwelling.
 - b. Parking for the primary unit shall comply with all development standards of the district. If the primary single-unit dwelling was constructed prior to covered parking requirements, a covered space shall not be required of the existing unit.
 - c. Required parking for the primary single-family dwelling may not be removed for the creation of any of the three scenarios (e.g., garage conversions), or allocated to meet the parking requirement for the Second Dwelling Unit, unless replacement parking is provided in accordance with this Code.
 - d. Any rooms having the potential of being a bedroom and meeting the standards of the California Building Code as a sleeping room shall be counted as a bedroom. Offices or other rooms that have the ability of being converted into bedrooms shall also be considered bedrooms for parking purposes.
 - 2. ***Second Dwelling Units.***
 - a. One covered parking space shall be provided for a Second Dwelling Unit with one bedroom.
 - b. One additional, covered or uncovered, parking space for two or more bedrooms in the second dwelling unit.

- c. A tandem parking space may also be used to meet the parking requirement for the Second Dwelling Unit, providing such space will not encumber access to a required parking space for the primary single-unit dwelling.
 - d. An existing two vehicle garage and/or carport may not be provided in-lieu of these parking requirements unless the parking spaces are accessed from different garage doors.
- 3. ***Backyard Cottage.*** No additional parking.
- 4. ***Accessory Living Quarters.*** No additional parking.
- N. **Access.** Vehicular access shall be provided in the following manner:
 - 1. ***Driveways.*** Shall be provided per the underlying district.
 - 2. ***Pedestrian access.*** An all-weather surface path to the Second Dwelling Unit, Backyard Cottage, or Accessory Living Quarters shall be provided from the street frontage.
- O. **Mechanical Equipment.** Mechanical equipment shall be located on the ground.
- P. **Utility Meters/Addresses.**
 - 1. ***Second Dwelling Units.*** Separate gas and electric meters may be permitted if approved by the Building Official and Pacific Gas & Electric.
 - 2. ***Backyard Cottage and Accessory Living Quarters.*** Separate utility meters and/or address are not permitted.
- Q. **Home Occupations.** Home occupations are permitted pursuant to Section 15-2335, Home Occupations.
- R. **Airports.** All applications shall comply with operative airports plans.
- S. **Owner Occupancy Requirements.** The following shall apply prior to the issuance of a building permit.
 - 1. ***Second Dwelling Unit and Backyard Cottage.***
 - a. Either the primary dwelling unit, the Second Dwelling Unit, or the Backyard Cottage shall be owner-occupied.
 - b. The property owner shall enter into a restrictive covenant with the City, which shall be recorded against the property.
 - c. The covenant shall confirm that either the primary dwelling unit, the Second Dwelling Unit, or the Backyard Cottage shall be owner-occupied and prohibit rental of both units at the same time.
 - d. It shall further provide that the Second Dwelling Unit or Backyard Cottage shall not be sold, or title thereto transferred separate and apart from the rest of the property.
 - 2. ***Accessory Living Quarters.***
 - a. The property owner shall enter into a restrictive covenant with the City, which shall be recorded against the property.

- b. The restrictive covenant shall prohibit rental of both units at the same time.
- c. It shall further provide that the Accessory Living Quarter shall not be sold, or title thereto transferred separate and apart from the rest of the property. The covenant shall be recorded prior to the issuance of a building permit.

15-2355 Service Stations

Service stations and any other commercial use that provide fuel pumps for retail sales of gasoline are subject to the following standards:

A. Site Design.

1. Access.

- a. There shall be no more than two vehicular access points to/from a public street. Additional access may be provided by neighboring properties.
- b. Should a site be redeveloped (i.e., the existing building and/or fuel canopy is removed and reconstructed), and more than two vehicular points of access exist, they shall be removed per Public Works Standards.
- c. Fleet Fuel Stations in Industrial Districts may provide additional access points, as determined by the Public Works Director.

2. Designs shall incorporate landscaping and half screen walls to screen vehicles while allowing eye level visibility into the site. Fleet Fuel Stations in Industrial Districts are excepted from this provision.

3. Significant architectural or landscape features shall be provided at the corner of intersecting streets to enhance the streetscape.

4. Noise-generating uses, such as auto service bays, car wash openings, vacuum stations, outdoor loading areas, garbage storage, and stacking lanes, shall be located away from sensitive uses such as residential areas.

5. Propane tanks, vapor recovery systems, air compressors, utility boxes, garbage, recycling containers/enclosures, and other similar mechanical equipment shall be screened from public view. Propane tanks, vapor recovery tanks, etc. shall be laid horizontally and shall be screened with a hedge and/or wall.

B. Air and Water Stations. Air and Water Stations shall be identified on plans and shall comply with the setbacks of the underlying District.

C. Pump Islands. Pump islands shall be located a minimum of 15 feet from any property line to the nearest edge of the pump island, unless a greater setback is required by an operative plan. A canopy or roof structure over a pump island may encroach up to 10 feet within this distance. In areas with distinct architecture (to be determined by the Director), the canopy must match the architecture of the main building on the site.

D. Auto Repair. Auto Repair shall comply with Section 15-2311, Automobile/Vehicle Service and Repair.

E. Temporary Car Washes. Refer to Section 15-2360, Temporary Uses.

- F. **Proximity to Other Service Stations.** No more than one service station is permitted in each shopping center. No more than two service stations may be located on the corners of the same intersection.

15-2356 Shooting Ranges / Archery Ranges

Indoor Shooting Ranges and/or Archery Ranges are permitted in accordance with the standards below. The standards below are intended to prevent damage from neighboring properties and to mitigate potential noise from guns and filtration systems used to mitigate lead dust and other particulates. Outdoor Ranges are not permitted.

- A. Buildings shall incorporate indoor walls and partitions capable of stopping all projectiles fired on the range by containing or redirecting them to the backstop. In addition, buildings shall contain all sound.
- B. Exterior walls shall be made of masonry or concrete, or combination thereof.
- C. Buildings shall be a minimum 400 feet from existing and/or planned residential dwellings, schools (K-12), and/or day cares. Caretakers Units and Mixed-Use Districts are excepted.
- D. Shooting activities shall occur between the hours of 7 a.m. and 10 p.m.
- E. Ranges, shall at a minimum, meet the requirements established by the National Rifle Association, or the standards above. In the case where standards may conflict, the more restrictive standard(s) shall govern.

15-2357 Single Room Occupancy Hotels and Boarding Homes

Single room occupancy (SRO) hotels and/or Boarding Homes, which house between 5 and 15 guests, which shall collectively be referred to as SROs, shall be located, developed, and operated in compliance with the standards below. SROs do not include Group Homes or Emergency Shelters.

- A. **Facility.** There shall be no more than 15 guests.
- B. **Maximum Occupancy.** Each SRO living unit shall be designed to accommodate a maximum of two persons.
- C. **Minimum Size.** An SRO living unit must have at least 150 square feet of floor area, excluding closet and restroom. No individual unit may exceed 400 square feet.
- D. **Minimum Width.** An SRO of one room shall not be less than 12 feet in width.
- E. **Entrances.** All SRO units must be independently accessible from a single main entry, excluding emergency and other service support exits.
- F. **Cooking Facilities.** Cooking facilities shall be provided either in individual units or in a community kitchen. Where cooking is in individual SRO units, SRO units shall have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or properly engineered cook top unit pursuant to Building Code requirements; and a refrigerator.
- G. **Restroom.** An SRO unit is not required to but may contain partial or full restroom facilities. A partial restroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink, and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided,

common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor and one full bathroom per four units.

- H. **Closet.** Each SRO unit shall have a separate enclosed all-weather closet. The closet shall be at least 120 cubic feet with a minimum four-foot horizontal dimension along one plane.
- I. **Common Area.** Four square feet per living unit shall be provided, excluding janitorial storage, laundry facilities, and common hallways. At least 200 square feet in area of interior common space provided as a ground floor entry area that provides a central focus for tenant social interaction and meetings.
- J. **Exterior Common Area.** There shall be a minimum of 50 square feet in area of exterior common space per unit, with a minimum horizontal dimension of six feet. This open space may be located in a required front or street side but shall be no closer than nine feet to the lot line, or the rear yard.
- K. **Tenancy.** Tenancy of SRO units shall be limited to 30 or more days.
- L. **Facility management.**
 - 1. ***Ten or More Guests.*** The facility shall provide on-site management. The manager shall live on-site however the manager's unit shall not count as one of the 10 guests.
 - 2. ***Less Than 10 Guests.*** There shall be an on-site manager's office. The office shall be staffed for a minimum of six hours per day between the hours of 7 a.m. and 8 p.m., six days a week. The manager's hours shall be posted in a conspicuous location.
- M. **Management Plan.** A management plan shall be submitted with the permit application for all SRO projects. At minimum, the management plan must include the following:
 - 1. ***Security/Safety.*** Proposed security and safety features such as lighting, security cameras, defensible space, central access, and user surveillance;
 - 2. ***Management Policies.*** Management policies including desk service, visitation rights, occupancy restrictions, and use of cooking appliances;
 - 3. ***Rental Procedures.*** All rental procedures, including weekly and monthly tenancy requirements;
 - 4. ***Maintenance.*** Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

15-2358 Tattoo or Body Modification Parlors

It is the purpose and intent of these standards to regulate the operation of facilities that perform tattooing and body modification to provide for the health, safety, and welfare of the public and ensure compliance with California Health and Safety Code Section 119300 et seq.

- A. **Registration Required.** Any person who is engaged in the business of tattooing or body modification shall provide evidence of registration with the Fresno County Department of Health.

- B. **No Persons Under 18.** A sign shall be posted on the door or in view of the entrance stating that no person under the age of 18 is allowed on site, unless accompanied by his or her parent or documented legal guardian. The operator of the establishment shall require all customers to show proof of age.

15-2359 Telecommunications and Wireless Facilities

Telecommunications and Wireless Facilities shall comply with the City's policy pertaining to said uses. Said policy shall establish standards and procedures to regulate the development, siting, installation, and operation of wireless telecommunications antennas and related facilities consistent with the applicable requirements of federal law. The regulations are intended to provide for the appropriate development of wireless telecommunication facilities within the City to meet the needs of residents, business-owners, and visitors while protecting public health and safety and preventing visual blight and degradation of the community's aesthetic character.

15-2360 Temporary Uses

This section establishes standards for certain uses that are intended to be of limited duration of time and that will not permanently alter the character or physical facilities of the property where they occur.

- A. **Temporary Uses Not Requiring a Temporary Use Permit.** The following types of temporary uses may be conducted without a Temporary Use Permit. Other permits, such as building permits, may be required.
1. **Yard/Garage Sales.** Garage sales of personal property conducted by a resident of the premises may be conducted in accordance with the following standards.
 - a. **Number.** No more than four garage sales shall be conducted on a premise in any calendar year.
 - b. **Nonprofit Organizations.** A nonprofit organization may conduct a yard sale at the residence of one or more of its members pursuant to all of the requirements of this section. One such sale may be held per year without such sale being deemed one chargeable to the premises in question for the purpose of applying the four sales per year limitation set forth in Subparagraph 1 above.
 - c. **Time Limitations.**
 - i. No single sale event shall be conducted for longer than two consecutive days.
 - ii. Garage sales shall not be held for more than two consecutive weekends. Each weekend that sales are conducted constitutes a single sale event.
 - iii. Garage sales may only be conducted between the hours of 7 a.m. and 6 p.m.
 - d. **Display Area.** Property offered for sale at a garage sale may be displayed only on the property of the residence.

- e. **Signs.** Signs may be displayed only during the hours the garage sale is actively being conducted and shall be removed at the completion of the sale. No signs shall be placed on utility poles or cabinets or in the public right-of-way.
 - f. **Permitted Products.** The conduct of general retail sales or commercial activities in residential zones, except as is otherwise expressly authorized under this Ordinance, shall be prohibited.
 - g. **Block Sales.** Block Sales that include a closure of a street shall obtain a street closure permit from the Public Works Department.
2. **Nonprofit Fundraising.** Fundraising sales are permitted on a site by a nonprofit organization, with the owner's permission. Nonprofit fundraising shall not exceed 30 calendar days per year on any single site. Sites shall be cleared of all merchandise and shall be cleaned daily.
3. **Nonprofit Fundraising Events.** Outdoor events for fundraising purposes may be permitted on a site, however events shall be noncommercial purposes and shall not directly benefit the establishment where the event is held. No site shall hold more than 3 events per year, while events shall not last more than 3 consecutive days.
4. **Temporary Carwashes for Fundraising.** Temporary vehicle carwashes may be conducted in accordance with the following standards.
- a. The site shall be developed with Commercial, Industrial, and/or Public Uses (i.e., Civic, Institutional).
 - b. No more than two carwashes shall be conducted on a site any given month.
 - c. No event shall be conducted for longer than two consecutive days.
 - d. Carwashes may be conducted between the hours of 7 a.m. and 7 p.m.
 - e. The site shall be paved with an impervious surface.
 - f. Signs may be displayed only during the carwash and shall be removed at the end of the carwash. Signs shall not be placed on utility poles/structures or in the public right-of-way.
 - g. Vehicles, either being washed or in queue to be washed, shall not block required drive aisles, drive approaches, and/or public rights-of-way.
 - h. **Appearance.** When a Temporary Carwash is not in operation, all evidence of its use must be removed from the site including all tables, tents, temporary membranes, canopies, barricades, products, signs, litter, etc. The parking lot must be left in a clean condition.
 - i. **Refuse/Litter.** The operator shall provide waste removal and shall be responsible for collecting trash and recycling after each event, including in the parking lot.
5. **Moving Trailers/Portable Storage.** Refer to Article 20, Parking and Loading
6. **Temporary Construction Office Trailers.** On-site temporary construction offices are permitted during the period of construction.

- B. **Temporary Uses Requiring a Temporary Use Permit.** Other temporary uses may be permitted pursuant to Article 44, Temporary Use Permits, subject to the following standards. Additional or more stringent requirements may be established through the Temporary Use Permit process in order to prevent the use from becoming a nuisance with regard to the surrounding neighborhood or the City as a whole.
1. **Permanent Outdoor Display and Sales.** Refer to Section 15-2344, Outdoor Retail Sales.
 2. **Seasonal Sales.** The annual sales of holiday related items such as Christmas Trees, pumpkin lots/patches and similar items may be permitted in accordance with the following standards:
 - a. ***Time Period.*** Seasonal sales, including Christmas Tree and pumpkin lots, associated with holidays are allowed up to a month preceding and one week following the holiday.
 - b. ***Goods, Signs, and Temporary Structures.*** All items for sale, as well as signs and temporary structures, shall be removed within five days after the end of sales, and the appearance of the site shall be returned to its original state.
 - c. ***Parking.*** The Director may require a shake-off area or alternative design to ensure that dirt is not deposited onto public streets.
 3. **Temporary Outdoor Display and Sales.** Temporary Outdoor Sales, including but not limited to grand opening events, and other special sales events, shall obtain a Temporary Use Permit and shall be subject to the following:
 - a. ***Relationship to Principle Use.*** The outdoor display and sales area shall be directly related to a business occupying a primary structure on the same site.
 - b. ***Display Locations.***
 - i. If located in the public right-of-way, an encroachment from the Public Works Department is required.
 - ii. Location of the displayed merchandise may not disrupt the normal circulation of the site, nor encroach upon driveways, pedestrian walkways, or required landscaped areas, or obstruct sight distances or otherwise create hazards for vehicle or pedestrian traffic.
 - c. ***Building Setback of 15 Feet or Less.*** Merchandise shall be no closer than 15 feet from a public street unless the building is located closer to the street. If so, merchandise may be located closer than 15 feet
 - d. ***Building Setback Greater Than 15 Feet*** Outdoor sales shall be located entirely on private property outside any required setback (or landscaped planter in zoning districts that do not have required setbacks), fire lane, or fire access way. A minimum setback of 15 feet from any public right-of-way is required.
 - e. ***Hours.*** Outdoor events may only be held during the normal business hours of the establishment.

- f. **Number of Events.** No more than six events at one site shall be allowed within any 12-month period. Events shall not last more than five days per event and there shall be a minimum of 14 days between events.
 - g. **Existing Parking.** The available parking shall not be reduced to less than 90 percent of the minimum number of spaces required by Article 20, Parking and Loading.
 - h. **Tents/Structures.** Temporary canopies and shade structures may be permitted. Temporary canopies may be required to obtain a Building Permit. A building permit is required for any temporary tent, shade structure canopy larger than 400 square feet.
 - i. **Appearance.** When Temporary Sales are not in operation, all evidence shall be removed from the site including all tables, tents, temporary membranes, canopies, barricades, products, signs, litter, etc. The parking lot must be left in a clean condition, free of waste. Permanent buildings, structures, and signs are excepted.
 - j. **Refuse/Litter.** The operator shall provide waste removal and shall be responsible for collecting trash after each event, including the parking lot.
 - k. **Signs.** Additional signs, beyond those normally allowed for the subject use, shall not be provided as a result of the outdoor display and sales area;
 - l. **Transactions/Point of Sale.** All sales shall occur as part of the normal business activity of the establishment, via a register, or hand held device. Patrons shall have the option of paying for purchases in the establishments as part of normal business activity.
 - m. **Other Conditions.** The Director may impose other conditions that would ensure the operation of the proposed temporary outdoor sales in an orderly and efficient manner.
4. **Special Events and Sales.** Other short term special events may be permitted in accordance with the standards below.
- a. **Location.** Events are limited to non-residential districts.
 - b. **Number of Events.** No more than six events at one site shall be allowed within any 12-month period. Events shall not last more than five days per event and there shall be a minimum of 14 days between events.
 - c. **Products.** The outdoor display and sales area shall be directly related to a business occupying a primary structure on the same site.
 - d. **Signs.** Refer to Article 22, Signs.
 - e. **Existing Parking.** The available parking shall not be reduced to less than 90 percent of the minimum number of spaces required by Article 20, Parking and Loading.
5. **Carnivals, Fairs, and Festival Events.** Carnivals, fairs, and festival events are also subject to the following standards:

- a. **Location.** Carnivals, fairs, and festival events are limited to areas within Commercial or Employment districts, or on property owned by a public school.
 - b. **Time Limit.** When abutting or adjacent to a Residential District or a street that serves a Residential District the hours of operation shall be limited to 7 a.m. to 10 p.m.
6. **Temporary Parking Lots.** Temporary Parking on unpaved surfaces may be permitted in accordance with the standards below. Temporary Parking Lots may not be used to fulfill required off-street parking standards per Article 20, Parking and Loading, rather Temporary Parking Lots may be used to periodically accommodate larger than expected crowds at special events.
- a. **Parking Plan.** An applicant shall submit a parking plan to the City for review and approval.
 - b. **Location.** Temporary Parking shall be limited to non-residential districts, unless the site is developed with nonresidential uses.
 - c. **Number of Events.** Temporary Parking Lots may not be used more than 10 days within any 12-month period.
 - d. **Access.** Access shall be from an approved drive approach. An on-site shake-off area is required to ensure that dirt and/or mud are not deposited onto the public street.
 - e. **Attendants.** An attendant shall be present during the duration of the event and until the last vehicle is removed from the site to guide drivers.
 - f. **San Joaquin Valley Air Pollution.** The applicant shall contact the San Joaquin Valley Air Pollution District (District Regulation 8071) for its permitting procedures.
 - g. **Dust Mitigation.** Dust mitigation may be required to ensure that the parking lot does not create a nuisance.
 - h. **Trash/Debris.** All trash, debris, etc., shall be collected daily and the appearance of the site shall be returned to its original state.
 - i. **Temporary Lighting.** Refer to Article 15-2108, Lighting and Glare.
7. **Other Temporary Uses.** Other special events, outdoor sales, and displays that exceed three consecutive days but not more than 30 days in any 12 month period, may be allowed with the approval of a Zone Clearance so long as the use is related to the primary use on the site and it does not impact neighboring uses or otherwise create significant impacts.

15-2361 Tobacco and Vapor Shops

- A. **Signage.** Any establishment located within 250 feet of a park, school (private or public), day care, or other youth-sensitive places (i.e., boys and girls club, youth activity centers) may not advertise tobacco or vapor sales in a manner visible from the outside of the establishment, such as from a public thoroughfare, sidewalk, or parking lot.

15-2362 Transitional and Supportive Housing

Transitional and supportive housing, as defined in the Government Code (Sections 50675.2 and 50675.14) constitute a residential use and are subject only to those restrictions that apply to other residential uses of the same type in the same district.

15-2363 Utility Meters / Second Meters

In Single Family Residential Districts, one public utility meter per parcel may be permitted, with the exception of a Second Dwelling Unit, or to permit a vehicle electric charging station as may be permitted per the California Public Utilities Commission.

15-2364 Vehicle Impound Yard (Tow Yard) and Transit Storage

Tow Yards, Transit Storage, and Freight Storage may be permitted subject to the following standards:

- A. **Existing Facilities.** Existing facilities established prior to January 24, 2006 may continue to operate subject to the following conditions:
1. Compliance with all Conditions of Project Approval per the pertinent entitlement.
 2. If an entitlement was not required per zoning regulations, the applicant shall provide evidence, satisfactory to the Director, that the facility:
 - a. Was established prior to January 24, 2006 and that the use has been in continuous use;
 - b. The site has had a valid business license since January 24, 2006; and
 - c. The site does not have any outstanding items from Code Enforcement.
- B. **New Facilities.**
1. ***Minimum Lot Size.*** 6,000 square feet
 2. ***Location.*** There shall be a minimum separation of 200 feet from property planned or zoned for:
 - a. Residential Uses;
 - b. Office Uses; or
 - c. A freeway, unless the freeway is depressed a minimum 10 feet from the natural grade of the subject site and there is a six-foot masonry screen wall.
 3. ***Landscaping and Screening.***

- a. There shall be a minimum 10-foot landscape area along all streets, unless a greater setback is required in this Code or operative plan.
 - b. A Screen Wall, per Section 15-1608-C, of seven feet in height shall be provided along all property lines. Said wall shall be located at the rear of required landscaping along streets, including freeways. Screen Walls, when located on a local industrial street or between industrial uses, may be a material other than masonry, subject to review and approval by the Director. However, alternative Screen Walls, including gates, shall not be transparent.
 - c. Graffiti along perimeter Screen Walls shall be removed within 48 hours.
 - d. Additional screening and landscaping, as determined by the Director may be required where necessary to prevent visual impacts on adjacent properties.
- 4. ***Lighting.*** Refer to Section 15-1615, Outdoor Lighting and Illumination.
- 5. ***Parking.*** Refer to Article 20, Parking and Loading.
- 6. ***Paving.*** All storage areas shall be paved per Public Works Standards for Parking Lots.
- 7. ***Operational Requirements.***
 - a. There shall be no loading/unloading of vehicles in the public right-of-way or within customer parking areas.
 - b. Vehicles and/or materials may only be stored within designated areas per the approved entitlement.
 - c. There shall be no dismantling of motor vehicles.
 - d. All auto repairs shall occur within an enclosed building.
 - e. Property stored on site other than motor vehicles is limited to personal property found inside the impounded vehicle.
- 8. ***Retail Sales.***
 - a. Shall be limited to lien sales of vehicles and/or personal property not claimed by the owner. A statement shall be submitted by the applicant outlining how sales will be conducted.
 - b. Vehicles for sale shall not be displayed outside of the display area as designated by the approved permit
 - c. There shall be no test driving of vehicles into adjacent or nearby residential neighborhoods.
- 9. ***Infrastructure Requirements.***
 - a. Off-site improvements may be required by the City.
 - b. The facility shall be served by a public sewer system. Private septic sewer systems are prohibited.
 - c. Adequate facilities and infrastructure shall be provided for fire protection as determined by the City.

15-2365 Walk-Up Facilities

Walk-Up Facilities, such as food service windows and Automatic Teller Machines (ATMs), shall comply with the following regulations.

A. **Regulations Applying to All Walk-Up Facilities.**

1. **Location Requirements.**

- a. Set back from an adjacent street curb by a minimum of eight feet;
- b. Located a minimum of 30 feet from any property line corner at a street intersection;
- c. Located not to eliminate or substantially reduce any landscaped areas; and
- d. Located not to result in undue traffic congestion.

2. **Architectural Design.** Construction and modifications to the exterior of structures shall be completed in a manner consistent with the architectural design of surrounding setting. If there is no uniform design, the facility shall incorporate common elements and materials found in the surrounding setting.

3. **Trash Disposal.** Trash and recycling receptacles shall be provided in proximity to the service.

4. **Weather Protection.** An awning, portico, or other form of weather protection must be provided for the transaction area and for a reasonable amount of space where customers may wait or queue.

B. **Automatic Teller Machines (ATMs).**

1. **Lighting.** Each outdoor ATM shall be provided with lighting in compliance with Section 15-1615, Outdoor Lighting and Illumination, or state law, whichever is most restrictive.

2. **Drive-Up ATMs.** ATMs that are located outside, but are designed to be accessed by a vehicle must comply with Section 15-2328, Drive-In and Drive-Through Facilities.

C. **Food Service Windows.** The operator must ensure cleanliness of the site and an unimpeded flow of traffic in the public right-of-way. May not serve alcoholic beverages.

15-2366 Water Wells

Public Utility water wells, and related equipment, such as water treatment facilities shall be subject to the following standards:

A. **Major Streets.** Equipment may not be within 100 feet of Major Streets in Mixed-Use or Commercial Districts. Properties developed with retention and/or recharge basins and State Highways are excepted.

B. **Screening.** Sites shall be enclosed by screen walls per Section 15-1608-C. Screen walls shall be located at the rear of landscaping areas along front yards, and on the property line alongside and rear yards, unless stricter requirements are required in this Code or operative plan.

- C. **Separation.** Equipment shall be separated a minimum 10 feet from Residential Districts and shall be adequately screened with trees.
- D. **Property Development Standards.** Development shall comply with the standards of the underlying District, unless stricter requirements are required in this Code or operative plan.

15-2367 Wrecking Yards and Auto Dismantling

Wrecking Yards may be permitted subject to the following standards:

- A. **Existing Facilities.** Existing facilities established prior to January 24, 2006 may continue to operate subject to the following conditions:
 - 1. Compliance with all Conditions of Project Approval per the pertinent entitlement.
 - 2. If an entitlement was not required per zoning regulations, the applicant shall provide evidence, satisfactory to the Director, that the facility:
 - a. Was established prior to January 24, 2006 and that the use has been in continuous use;
 - b. The site has had a valid business license since January 24, 2006; and
 - c. The site does not have any outstanding items from Code Enforcement.
- B. **New Facilities.**
 - 1. ***Minimum Lot Size.*** Five acres
 - 2. ***Location.*** There shall be a minimum setback of 300 feet from property planned or zoned for:
 - a. Residential Uses;
 - b. Office Uses;
 - c. An integrated commercial shopping center;
 - d. **Passenger rail; or**
 - e. A freeway, unless the freeway is depressed a minimum 10 feet from the natural grade of the subject site and there is a six-foot masonry screen wall.
 - 3. ***Landscaping and Screening.***
 - a. There shall be a minimum 10 foot landscape area along all streets, unless a greater setback is required in this Code or operative plan.
 - b. A Screen Wall, per Section 15-1608-C of seven feet in height shall be provided along all property lines. The Screen Wall shall be located at the rear of required landscaping along streets, including freeways, if applicable.
 - c. Graffiti along perimeter Screen Walls shall be removed within 48 hours.
 - d. Additional screening and landscaping, as determined by the Director may be required where necessary to prevent visual impacts on adjacent properties.
 - 4. ***Lighting.*** Refer to Section 15-1615, Outdoor Lighting and Illumination.

5. ***Parking.*** Refer to Article 20, Parking and Loading.
6. ***Paving.*** All storage and production areas shall be paved per:
 - a. Public Works Standards for Parking Lots, or
 - b. The surfacing shall consist of a minimum of two inches of asphalt concrete or three inches of road-mixed asphalt surfacing over native soil compacted in accordance with Public Works Standards. An alternative soil stabilizing agent may be applied and maintained, in lieu of asphalt concrete or road-mixed asphalt surfacing if approved in writing by the Public Works Director.
7. ***Operational Requirements.***
 - a. There shall be no loading/unloading of vehicles in the public right-of-way or within customer parking areas.
 - b. Vehicles and/or materials may only be stored within designated areas.
 - c. Stacked vehicles, or material, such as tires, shall not exceed 10 feet in height.
 - d. Tires must be stored in a manner that does not facilitate the breeding of mosquitoes.
 - e. Machinery and equipment shall not exceed 25 feet in height. Any equipment greater than 10 feet in height shall be setback a minimum of 200 from all property lines.
 - f. Crushing operations shall not occur on Sundays, California Holidays.
 - g. No automobile repair or installation of parts shall occur on the site.
 - h. The main yard entrance gate shall remain closed when not in operation. The main gate shall not allow visibility into the site.
 - i. Operations shall comply with all applicable Environmental Protection Agency regulations.
8. ***Infrastructure Requirements.***
 - a. Off-site improvements may be required by the City.
 - b. The facility shall be served by a public sewer system. Private septic sewer systems are prohibited.
 - c. Adequate facilities and infrastructure shall be provided for fire protection as determined by the City.
9. ***Hazardous Materials Plan.*** Prior to operating, the owner or operator shall submit a Hazardous Materials Plan to the Planning Department. The Plan shall explain the processing and storage procedures of potentially hazardous materials such as oil, antifreeze, gas, wiper fluid, and used tires.

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